

AMENDED IN SENATE AUGUST 22, 2012

AMENDED IN SENATE JUNE 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1476

Introduced by Committee on Budget (Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)

January 10, 2012

An act to amend Sections ~~2558, 2558.46, 2571, 8208, 8235, 8236.1, 8238, 8238.4, 8239, 8263, 8263.1, 8335.4, 8335.5, 8335.7, 8447, 14041.7, 17173, 17180, 17183, 17193.5, 17199.1, 17199.3, 17199.4, 17230, 17458, 17464, 17489, 17592.71, 22138.5, 41203.1, 42238, 42238.146, 42238.15, 42621, 42622, 47633, 52055.770, 56471, 69432, 69432.7, 69433.5, 69436, and 69999.6~~ of, to amend, repeal, and add Sections ~~1042, 14041, 14041.6, 41202, 47603, 76140, and 84321.6~~ of, to add Sections ~~8263.3, 17199.6, 41207.6, 41366.6, 42620.1, and 52055.780~~ to, to add and repeal Sections ~~17457.5 and 46201.4~~ of, and to repeal Sections ~~8236.2, 8238.1, 8238.2, 8238.3, 8238.5, 8238.6, 41204.2, and 41204.3~~ of, ~~17193.5, 17199.4, 52055.780, 56520, 56523, 56525, and 69432.7~~ of, and to add Sections ~~56521.1, 56521.2, and 56522~~ to, the Education Code, to amend Sections ~~7906, 53850, 53853, and 65995.7~~ of, and to add Sections ~~17581.6 and 17581.7~~ to, *Section 17581.6* of the Government Code, and to amend Items ~~6110-108-0001, 6110-161-0001, 6110-166-0001, 6110-204-0001, 6110-227-0001, 6110-260-0001, 6110-265-0001, 6110-267-0001, 6110-485, and 6110-488, and 6870-101-0001~~ of Section 2.00 of the Budget Act of 2011 (Chapter 33 of the Statutes of 2011), *and to add Item 6440-301-6048 to Section 2.00 of the Budget Act of 2012 (Chapter 21*

of the Statutes of 2012), relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 1476, as amended, Committee on Budget. Education finance.

(1) *Existing law authorizes a public credit provider, as defined, to require a participating party, with regard to providing credit enhancement for bonds, notes, certificates of participation, or other evidences of indebtedness of a participating party, to agree to specified conditions, including allowing the Controller to allocate specified school district, county office of education, or charter school apportionments to public credit providers if the public credit provider is required to make principal or interest payments, or both, pursuant to the credit enhancement agreement. Existing law imposes those same conditions on securing financing or refinancing for projects or working capital from the California School Finance Authority, in which case the Controller allocates apportionments to an identified trustee when a participating party will not make a payment to the authority at the time the payment is required.*

This bill would authorize these payments to a public credit provider or a trustee, as applicable, to be made from specified funds if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is approved by the voters at the November 6, 2012, statewide general election.

(2) *The Quality Education Investment Act of 2006 effectuates the intent of the Legislature to implement the terms of the proposed settlement agreement of a specified legal action, to provide for the discharge of the minimum state educational funding requirement, and to improve the quality of academic instruction and the level of pupil achievement in schools whose pupils have high levels of poverty and complex educational needs, among other things. A provision of the act appropriates \$218,322,000 from the General Fund for the 2013–14 fiscal year, of which \$170,322,000 is for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction pursuant to the act.*

This bill would instead require, for the 2013–14 fiscal year, that \$361,000,000 be appropriated from the General Fund, of which \$313,000,000 would be for transfer by the Controller to Section A of

the State School Fund for allocation by the Superintendent of Public Instruction pursuant to the act.

(3) Existing regulations of the State Department of Education, among other things, prohibit the authorization, order, consent to, or payment for specified interventions, or interventions similar to the prohibited interventions and require nonpublic schools and agencies to develop policies consistent with regulations related to emergency interventions. Existing department regulations also provide that emergency interventions, among other things, may be used only to control unpredictable, spontaneous behavior which poses a clear and present danger of serious physical harm to the individual or others, require that emergency interventions be employed for no longer than necessary to contain the behavior, and prohibit emergency interventions from including specified interventions. Existing regulations of the United States Department of Education require the individualized education program (IEP) team to consider the use of positive behavioral interventions and supports to address the behavior of a child whose behavior impedes his or her learning and the learning of others. Existing regulations of the United States Department of Education provide the procedures for evaluations related to behavioral needs.

This bill would codify a portion of those federal regulations related to emergency interventions and prohibited interventions consistent with certain requirements. The bill generally would codify the portion of the federal regulations that require the IEP team to consider the use of positive behavioral interventions and supports to address the behavior of an individual whose behavior impedes his or her learning and the learning of others, thereby imposing a state-mandated local program, and require the Superintendent of Public Instruction to issue nonmandatory program guidelines regarding the systematic use of behavioral interventions, and provide related training, as specified.

(4) Existing law requires the Superintendent of Public Instruction to develop and the State Board of Education to adopt regulations governing the use of behavioral interventions with individuals with exceptional needs receiving special education and related services.

This bill would require the state board to repeal those regulations.

(5) Existing law provides a person recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst qualifies as a behavioral intervention case manager of a school district, special education local plan area, or county office of education and may conduct behavior assessments and provide behavioral

intervention services for individuals with exceptional needs. Existing law provides that a school district, special education local plan area, or county office of education is not required to use a Board Certified Behavior Analyst as a behavioral intervention case manager.

This bill would instead provide that a person recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst may conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs. The bill would provide that a school district, special education local plan area, or county office of education is not required to use a Board Certified Behavior Analyst to conduct behavior assessments and provide behavioral intervention services for individuals with exceptional needs.

(6) Existing law, the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program (Cal Grant Program), establishes the Cal Grant A and B Entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C awards, and the Cal Grant T awards under the administration of the Student Aid Commission (commission), and establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions, as defined.

Existing law requires the commission to certify by October 1 of each year a qualifying institution's latest 3-year cohort default rate as most recently reported by the United States Department of Education. Existing law provides that, for purposes of the 2012–13 academic year, and every academic year thereafter, an otherwise qualifying institution with a 3-year cohort default rate that is equal to or greater than 15.5% is ineligible for initial and renewal Cal Grant awards at the institution. Existing law also requires that an otherwise qualifying institution is ineligible for an initial or renewal Cal Grant award at the institution if the institution has a graduation rate of 30% or less for students taking 150% or less of the expected time to complete degree requirements, as specified, with certain exceptions. Existing law also requires that an otherwise qualifying institution that becomes ineligible under these provisions for initial and renewal Cal Grant awards may regain its eligibility for the academic year following an academic year in which it satisfies the requirements relating to the cohort default rate and the graduation rate.

This bill would instead require that an otherwise qualifying institution that becomes ineligible under these provisions for initial and renewal

Cal Grant awards shall regain its eligibility in the academic year in which it satisfies these requirements.

(7) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including a school district and a community college district, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law, commencing with the 2012–13 fiscal year, requires that certain funds appropriated in the annual Budget Act for reimbursement of the cost of a new program or increased level of service of an existing program mandated by statute or executive order be available as a block grant to school districts, charter schools, and county offices of education to support specified state-mandated local programs and permits those entities to elect to receive that block grant funding in lieu of claiming mandated costs pursuant to the state claims procedure.

This bill would add specified state-mandated local programs to the set of programs for which a school district, charter school, or county office of education may elect to receive a block grant, including, among others, the inter district attendance permits program.

(8) The Budget Act of 2011 made numerous appropriations for the support of public education in this state.

Existing law establishes the Proposition 98 Reversion Account in the General Fund, and requires that the Legislature, from time to time, transfer into this account moneys previously appropriated in satisfaction of the constitutional minimum funding requirements that have not been disbursed or otherwise encumbered for the purposes for which they were appropriated. The Budget Act of 2011 reappropriated \$6,824,000 from the Proposition 98 Reversion Account, of which \$6,594,000 was for allocation by the Superintendent of Public Instruction for apportionment for special education programs, as specified.

This bill would reappropriate an additional \$10,335,000 from the Proposition 98 Reversion Account for allocation by the Superintendent to support special education, as specified.

(9) The Budget Act of 2011, as amended, reappropriated \$220,137,000 from the General Fund to the State Department of Education for apportionment for special education programs.

This bill would reduce this reappropriation to the department for those purposes by \$10,335,000 to \$209,802,000.

(10) Existing law establishes the 2006 University Capital Outlay Bond Fund in the State Treasury for deposit of funds from the proceeds

of bonds issued and sold for the purpose of providing funds to aid the University of California, the Hastings College of the Law, and the California State University.

This bill would amend the Budget Act of 2012 by appropriating \$4,750,000 from the 2006 University Capital Outlay Bond Fund to the University of California for the purpose of funding preliminary plans and working drawings for the Classroom and Academic Office Building at the Merced campus. The bill would require that contractors and subcontractors of the University of California be required to pay prevailing wages, as specified, as a condition of the availability of these funds. The bill would also authorize the use of the 2006 bond funds remaining at the end of capital outlay projects for specified purposes.

(11) The Budget Act of 2012 appropriated \$2,053,750,000 for the support of the University of California.

This bill would require the University of California, as a condition of receipt of those funds, to report to the Legislature by May 1, 2013, on whether it has met an enrollment goal for the 2012–13 academic year.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(13) This bill would appropriate \$230,000 from federal Individuals with Disabilities Education Act carryover funds to the State Department of Education to, among other things, provide oversight of, and technical assistance and monitoring to, local educational agencies regarding changes to the requirements related to the identification and provision of behavior intervention services made pursuant to this act.

(14) Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(15) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~*(1) Existing law authorizes a county superintendent of schools, with the approval of the county board of education, to temporarily transfer moneys to a school district under specified circumstances.*~~

~~The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals.~~

~~This bill, until July 1, 2017, would authorize a county board of education, subject to the concurrence of the county superintendent of schools, to loan moneys from the proceeds of revenue anticipation notes to a charter school for which the county board of education or the county superintendent of schools has a supervisory responsibility or, regardless of whether the charter school is within or outside of the county, with which a county board of education or county superintendent of schools has a contractual relationship. The bill would require the county superintendent of schools, before the county board of education makes the loan, to take specified actions regarding the advisability of the loan. The bill would provide that any loan of moneys pursuant to these provisions would not constitute a debt or liability of the county superintendent of schools, the county board of education, or the State of California. The bill would prohibit a charter school from receiving more than one of these loans per fiscal year.~~

~~The bill would require the county board of education, as a condition of making a loan to a charter school, to report to the State Department of Education by September 15 of each year specified information on loans made to charter schools within the prior fiscal year, and would require the department to compile that information into one report to be submitted by December 1 of each year to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Legislative Analyst's Office.~~

~~(2) Existing law requires the Superintendent of Public Instruction to apportion state aid to county superintendents of schools in accordance with prescribed calculations.~~

~~This bill would revise the calculations by subtracting amounts received separately relating to the Redevelopment Property Tax Trust Fund and a proposed constitutional provision relating to education funding.~~

~~(3) Existing law requires a revenue limit to be calculated for each county superintendent of schools, adjusted for various factors, and reduced, as specified. Existing law reduces the revenue limit for each county superintendent of schools for the 2011–12 fiscal year by a deficit factor of 20.691%.~~

~~This bill would set the deficit factor for each county superintendent of schools for the 2012–13 fiscal year at 22.549%.~~

~~(4) Existing law requires the Superintendent to make specified computations relating to the allocation of property tax revenues for each county superintendent of schools.~~

~~This bill would revise these computations to include as property tax revenues those received by a county superintendent of schools relating to the Redevelopment Property Tax Trust Fund.~~

~~(5) Existing law requires the Superintendent to administer all California state preschool programs, including, but not limited to, part-day and full-day age and developmentally appropriate programs for 3- and 4-year-old children. Existing law defines 3- and 4-year-old children for these purposes as children who will have their 3rd or 4th birthday, respectively, on or before December 2 of the fiscal year in which they are enrolled in a California state preschool program.~~

~~This bill would instead provide that the state preschool programs shall include, but not be limited to, part-day age and developmentally appropriate programs designed to facilitate the transition to kindergarten for 3- and 4-year-old children. The bill would instead define 3- and 4-year-old children as children who will have their 3rd or 4th birthday, respectively, on or before November 1 for the 2012-13 fiscal year, October 1 for the 2013-14 fiscal year, and September 1 for the 2014-15 fiscal year and each fiscal year thereafter. The bill would, among other things, make conforming changes relating to the deletion of references to full-day preschool programs.~~

~~(6) Existing law requires the State Department of Education to annually report to the Department of Finance and the Legislature a statewide summary identifying, among other things, the number of preschool age children receiving part-time and full-time development services.~~

~~This bill would instead require the department to annually report to the Department of Finance and the Legislature a statewide summary identifying, among other things, the number of preschool age children receiving part-day preschool and wraparound child care services, as defined.~~

~~(7) Existing law requires child development and preschool programs, as a condition of receipt of specified funds appropriated in the Budget Act of 2006, to include, but not be limited to, age and developmentally appropriate activities for children that are designed to facilitate their transition to kindergarten, and opportunities for parents and legal guardians to work with their children on interactive literacy activities, as defined.~~

~~This bill would instead require a participating part-day preschool program, as a condition of receipt of funds being provided for in the annual Budget Act or other statute, to coordinate the provision of (A) opportunities for parents and legal guardians to work with their children on interactive literacy activities, as defined, (B) specified parenting education, (C) referrals, as necessary, to providers of instruction in adult education and English as a second language in order to improve the academic skills of parents of children in participating classrooms, and (D) specified staff development.~~

~~(8) Existing law requires child development and preschool programs, as a condition of receipt of specified funds appropriated in the Budget Act of 2006, to coordinate the provision of specified parenting education, and referrals, as necessary, to providers of instruction in adult education and English as a second language in order to improve the academic skills of parents of children in participating classrooms.~~

~~This bill would repeal that provision, which is recodified in regard to part-day preschool programs as described in (7).~~

~~(9) Existing law authorizes a local educational agency or a participating program on behalf of one or more participating programs to select a family literacy and education coordinator whose duties may include specified activities.~~

~~This bill would repeal that provision.~~

~~(10) Existing law requires child development and preschool programs, as a condition of receipt of specified funds appropriated in the Budget Act of 2006, to provide specified staff development for teachers in participating classrooms.~~

~~This bill would repeal that provision, as its provisions are recodified.~~

~~(11) Existing law establishes a schedule for the expenditure, by the Superintendent, of prescribed funds appropriated pursuant to the Budget Act of 2006 for child development and preschool programs.~~

~~This bill would instead require a family literacy supplemental grant to be made available and distributed to California state preschool classrooms, as determined by the Superintendent, at a rate of \$2,500 per class. The bill would, among other things, assign first priority to California state preschool programs that contract to receive this funding before July 1, 2012. The bill would require family literacy supplemental grants to be used for specified purposes. The bill would also provide that implementation of the family literacy supplemental grant program is contingent upon funding being provided for the program in the annual Budget Act or other statute.~~

~~(12) Existing law requires, subject to the availability of specified funds, the Superintendent to conduct a specified evaluation of the effectiveness of prekindergarten and family literacy programs established pursuant to specified provisions of law.~~

~~This bill would repeal that provision.~~

~~(13) Existing law authorizes the use of up to \$5,000,000 of specified funds appropriated in the Budget Act of 2005 by the Superintendent to provide direct child care services for children in participating classrooms to meet the child care needs of parents for the portion of each day that is not covered by services provided as part of a specified preschool program.~~

~~This bill would repeal that provision.~~

~~(14) Existing law requires the Superintendent to encourage state preschool program applicants or contracting agencies to offer full-day services through a combination of part-day preschool slots and part-day general child care and development programs. Existing law provides specified requirements in order to facilitate a full day of services and requires a child who is enrolled in a preschool program to meet specified eligibility requirements in order to be eligible for part-day child care.~~

~~This bill would instead require the Superintendent to encourage state preschool program applicants or contracting agencies to offer full-day services through a combination of part-day preschool slots and wraparound general child care and development programs, as defined. The bill would also require fees to be assessed and collected for families with children in part-day preschool programs, families receiving wraparound child care services, as defined, or both.~~

~~(15) Existing law requires the Superintendent to establish a fee schedule for families using child care and development services pursuant to the Child Care and Development Services Act. Existing law requires that the family fee schedule prohibit the assessment of fees on families whose children are enrolled in the state preschool program.~~

~~This bill would remove this prohibition, thereby allowing the family fee schedule to include the assessment of fees on families whose children are enrolled in the state preschool program.~~

~~(16) Existing law provides for income eligibility standards for families to receive child care and development services. Existing law provides that “income eligible,” for the purposes of the Child Care and Development Services Act, means that a family’s adjusted monthly income is at or below 70% of the state median income, adjusted for family size, and adjusted annually. Notwithstanding this provision,~~

~~existing law provides that, for the 2011–12 fiscal year, the income eligibility limits that were in effect for the 2007–08 fiscal year are reduced to 70% of the state median income that was in use for the 2007–08 fiscal year, adjusted for family size.~~

~~This bill would provide that, notwithstanding these provisions, for the 2012–13 fiscal year, the income eligibility limits are to be 70% of the state median income that was in use for the 2007–08 fiscal year, adjusted for family size.~~

~~(17) Existing law requires the State Department of Education, effective July 1, 2011, to reduce the maximum reimbursable amounts of the contracts for the Preschool Education Program, the General Child Care Program, the Migrant Day Care Program, the Alternative Payment Program, the CalWORKs Stage 3 Program, and the Allowance for Handicapped Program by 11% or by whatever proportion is necessary to ensure that the expenditures for these programs do not exceed the amounts appropriated for them. Existing law requires, effective July 1, 2011, families to be disenrolled from subsidized child care services in a specified order that requires, among other things, families whose income exceeds 70% of the state median income adjusted for family size to be disenrolled first, except as specified, and families with the highest income below 70% of the state median income, in relation to family size, to be disenrolled second.~~

~~This bill would require the department, effective July 1, 2012, to reduce the maximum reimbursable amounts of the contracts for the General Child Care Program, the Migrant Day Care Program, the Alternative Payment Program, the CalWORKs Stage 3 Program, and the Allowance for Handicapped Program by an additional 8.7% or whatever proportion is necessary to ensure these expenditures do not exceed the applicable appropriations. The bill would also require, effective July 1, 2012, families to be disenrolled in a different specified order that requires, among other things, families with the highest income in relation to family size to be disenrolled first and families that have the same income and have been enrolled in child care services the longest to be disenrolled second.~~

~~(18) Existing law authorizes the City and County of San Francisco, until July 1, 2013, and as a pilot project, to develop and implement an individualized county child care subsidy plan, requires the city and county, on or before June 30, 2013, to submit a final report to the Legislature and other specified entities that summarizes the impact of the plan, requires the city and county to phase out the plan and~~

implement the state's requirements for child care subsidies as of July 1, 2015, and provides for the repeal of those provisions on January 1, 2016.

This bill would instead authorize the City and County of San Francisco to implement the individualized county child care subsidy plan until July 1, 2014, require the city and county to phase out the plan and implement the state's requirements for child care subsidies as of July 1, 2016, require the city and county to submit the final report on or before June 30, 2014, and would repeal those provisions on January 1, 2017.

(19) Existing law requires that the cost of state-funded child care services be governed by regional market rates, and establishes a family fee schedule reflecting specified income eligibility limits. Existing law revises the family fee schedule that was in effect for the 2007–08, 2008–09, 2009–10, and 2010–11 fiscal years to be adjusted to reflect specified income eligibility limits.

This bill would require that the family fee schedule that was in effect for the 2011–12 fiscal year remain in effect for the 2012–13 fiscal year.

(20) Existing law requires the Controller to draw warrants on the State Treasury in each month of each year in specified amounts for principal apportionments for purposes of funding school districts, county superintendents of schools, and community college districts. Existing law defers the drawing of those warrants, as specified.

This bill would require the Superintendent to reduce the warrants for the 2012–13 fiscal year by certain amounts as an offset for school district and county office of education apportionments made pursuant to specified provisions. The bill also would require the Superintendent to delay the 2nd principal apportionment from July 2, 2013, to July 15, 2013, to account for all revenues remitted to school districts and county offices of education pursuant to a proposed constitutional provision relating to education funding. The bill would require the Superintendent to reduce the June warrants for the 2012–13 fiscal year for any amounts received pursuant to specified provisions related to the dissolution of redevelopment agencies. The bill, commencing with the 2012–13 fiscal year, would defer additional specified amounts of the warrants for school districts and county superintendents of schools from February, April, and May 2013, to July 2013, and from March 2013 and an additional amount from April 2013 to August 2013. The bill would make these provisions inoperative on December 15, 2012, if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference

~~number 12-0009) is not approved by the voters at the November 6, 2012, statewide general election, or if the provisions of that act that modify personal income tax rates do not become operative due to a conflict with another initiative measure that is approved at the same election and receives a greater number of affirmative votes. If either of these conditions occurs, the bill would require, as of December 15, 2012, for the 2012–13 fiscal year only, the Superintendent, instead of the actions described in the paragraph above, to reduce the June warrants by certain amounts received by school districts and county offices of education due to the dissolution of redevelopment agencies and also would offset the revenue limit funding received by school districts and county offices of education by those amounts. If the provisions described in this paragraph do not become operative, they would be repealed on January 1, 2013.~~

~~(21) Existing law requires the Controller to draw warrants on the State Treasury in each month of each year in specified amounts for purposes of funding school districts, county superintendents of schools, and community college districts. Existing law defers the drawing of those warrants, as specified. Existing law allows up to \$100,000,000 of the amount of the warrants for the principal apportionments for June that are deferred until July to be drawn instead in June for a charter school or school district if specified criteria are met, including, in the case of a charter school, that the chartering authority, in consultation with the county superintendent of schools, certifies to the Superintendent of Public Instruction and the Director of Finance that the charter school will be unable to meet its financial obligations for June.~~

~~This bill would require the certification to be made by the governing body of the charter school instead of the chartering authority, and would require a charter school submitting that certification to provide its chartering authority with a copy of the certification, thereby imposing a state-mandated local program.~~

~~(22) Existing law establishes the California School Finance Authority, and authorizes the authority to issue revenue bonds to finance a single or series of projects or financing of working capital for a single or several participating parties, defined as a school district, charter school, county office of education, or community college district that undertakes the financing or refinancing of a project or of working capital, or a joint venture school facilities construction project.~~

~~This bill would authorize the authority to issue revenue bonds to refinance those projects and would revise the definition of “participating party.”~~

~~(23) Existing law limits the amount a participating party may borrow from the California School Finance Authority to 85% of the estimated amount of funds to be received by the participating party which will be available in the fiscal year of the borrowing.~~

~~This bill would limit the amount a charter school may borrow to 85% of the estimated amount of funds to be received by the charter school which will be available during the term of the loan.~~

~~(24) Existing law authorizes a public credit provider, as defined, to require a participating party, with regard to providing credit enhancement for bonds, notes, certificates of participation, or other evidences of indebtedness of a participating party, to agree to specified conditions, including allowing the Controller to allocate specified school district, county office of education, or charter school apportionments to public credit providers if the public credit provider is required to make principal or interest payments, or both, pursuant to the credit enhancement agreement. Existing law imposes those same conditions on securing financing or refinancing for projects or working capital from the California School Finance Authority, in which case the Controller allocates apportionments when a participating party will not make a payment to the authority at the time the payment is required.~~

~~This bill would authorize the Controller, in the case of a credit enhancement agreement between a charter school and a public credit provider and in the case of financing secured from the authority, to allocate apportionments designated for charter school categorical block grants.~~

~~(25) Existing law authorizes the California School Finance Authority to assign and distribute the state’s 2010 federal tax credit bond volume cap for qualified school construction bonds to or for the benefit of charter schools, or to be further assigned and distributed to one or more issuers in the state for the benefit of charter schools, as determined by the authority. Existing law assigns to the authority \$68,406,000 of the state’s 2010 federal tax credit bond volume cap for qualified school construction bonds, to be issued for the benefit of charter schools, or to be further assigned and distributed to one or more issuers in the state for the benefit of charter schools, as the authority determines.~~

~~This bill would delegate to the authority exclusive control over the use and allocation of the volume cap for qualified school construction~~

bonds and would authorize the authority to use, by resolution, the volume cap for obligations issued by the authority or to allocate the volume cap to any party.

(25.1) Existing law authorizes the governing board of any school district to sell or lease any real property, together with any personal property located on the real property, belonging to the school district which is not or will not be needed by the school district for school classroom buildings at the time of delivery of title or possession:

This bill would require the governing board of a school district seeking to sell or lease real property designed to provide direct instruction or instructional support it deems to be surplus property to first provide a written offer for the sale or lease of the surplus property of the school district to any charter school that has submitted a written request to the school district to be notified of surplus real property offered by the school district for sale or lease. The bill would require any real property sold or leased to a charter school to be used exclusively to provide direct instruction or instructional support for no less than 5 years from the date the real property is available to the charter school pursuant to a sale, or, if the charter school leased the real property, until the real property is returned to the possession of the school district.

The bill would require the price at which the real property is sold to a charter school to not exceed the school district's cost of acquisition, adjusted as specified. The bill would require the annual rate of real property leased to a charter school not to exceed 5% of the maximum sale price. The bill would require the school district advisory committee to hold hearings to receive community input before selling or leasing real property to a charter school. The bill would require these provisions to only apply to real property identified by a school district as surplus property after July 1, 2012.

The bill would make this provision inoperative on June 30, 2013, and would repeal it as of January 1, 2014.

(25.3) Existing law authorizes the governing board of a school district to sell, for less than fair market value, any schoolsite that is deemed to be surplus property of the school district to any park district, city, or county in which the school district is wholly or partially situated for specified uses if the governing board of the school district adopts a resolution specifying that it will sell or transfer the property for less than fair market value to those entities:

This bill would instead authorize the governing board of a school district to sell the surplus property to those entities only if a charter

~~school has not accepted an offer to purchase or lease the property, as described in (25.1):~~

~~(25.5) Existing law authorizes a governing board of a school district seeking to sell or lease any real property it deems to be surplus property to first offer that property for sale or lease to any contracting agency, as defined, that provides child care and development services and pursuant to specified conditions:~~

~~This bill would instead authorize a governing board of a school district seeking to sell or lease that real property to a contracting agency, only if a charter school has not accepted an offer to purchase or lease the property, as described in (25.1):~~

~~(25.7) Existing law requires the sale or lease with an option to purchase of real property by a school district to be made in accordance with specified priorities and procedures, including, among other things, requiring the property to first be offered for park or recreational purposes:~~

~~This bill would instead require the sale or lease with an option to purchase of real property to first be offered for sale or lease to any interested charter school for purposes of providing direct instruction or instructional support, as described in (25.1):~~

~~(25.9) Existing law requires the governing board of a school district, before selling or leasing any schoolsite containing specified land, to first offer to sell or lease that portion of the schoolsite containing the land to certain public agencies in accordance with particular priorities, including, among other things, offering to sell or lease the specified land to any city within which the land may be situated:~~

~~This bill would instead require the governing board of a school district to only sell or lease any schoolsite containing specified land, as described above, if a charter school has not accepted an offer to purchase or lease the schoolsite, as described in (25.1):~~

~~(26) Existing law establishes the School Facilities Emergency Repair Account in the State Treasury, and requires the State Allocation Board to administer the account. Existing law establishes the Proposition 98 Reversion Account in the General Fund, and requires that the Legislature, from time to time, transfer into this account moneys previously appropriated in satisfaction of the constitutional minimum funding requirements that have not been disbursed or otherwise encumbered for the purposes for which they were appropriated. Existing law generally requires an amount, equaling 50% of the unappropriated balance of the Proposition 98 Reversion Account or \$100,000,000,~~

whichever is greater, to be transferred in the annual Budget Act from the ~~Proposition 98 Reversion Account to the School Facilities Emergency Repair Account. However, the amount to be transferred under this provision was set at 0 for the 2009–10, 2010–11, and 2011–12 fiscal years.~~

~~This bill would set the amount to be transferred under this provision from the Proposition 98 Reversion Account to the School Facilities Emergency Repair Account at 0 for the 2012–13 fiscal year.~~

~~(27) The Teachers’ Retirement Law, which is administered by the Teachers’ Retirement Board, prescribes a comprehensive system of rights and benefits for its members, including disability benefits, retirement benefits, and death benefits. That law specifies the days or hours of creditable service that equal “full time” for the purpose of calculating benefits under the Defined Benefit Program, with a minimum standard applied, as specified.~~

~~This bill would provide that, if a school district, county office of education, or charter school reduces the number of days of instruction pursuant to a specified provision for the 2012–13 or 2013–14 fiscal years, the minimum standard for full time would be reduced to the number of days of instruction provided by that school district, county office of education, or charter school and the number of hours of instruction equal to the number of days of instruction times 6, as specified.~~

~~(28) The California Constitution requires the state to comply with a minimum funding obligation each fiscal year with respect to the support of school districts and community college districts. Existing statutory law specifies that appropriations made to service public debt approved by the voters of the state do not apply toward the constitutional minimum funding obligation for school districts and community college districts.~~

~~This bill would include funds appropriated for the Early Start Program and any appropriation made to service general obligation bond debt on behalf of school districts, county offices of education, charter schools, and community college districts in funding that applies toward the constitutional minimum funding obligation for school districts and community college districts. This provision would not become operative until December 15, 2012, and would only become operative if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is not approved by the voters at the November 6, 2012, statewide general election, or if the provisions of that act that modify personal income tax rates do not become~~

~~operative due to a conflict with another initiative measure that is approved at the same election and receives a greater number of affirmative votes. If this provision does not become operative, it would be repealed on January 1, 2013.~~

~~(29) Existing law requires, for the 1990–91 fiscal year and each fiscal year thereafter, that moneys to be applied by the state for the support of school districts, community college districts, and direct elementary and secondary level instructional services provided by the state be distributed in accordance with certain calculations governing the proration of those moneys among the 3 segments of public education. Existing law makes that provision inapplicable to the fiscal years between 1992–93 and 2011–12, inclusive.~~

~~This bill would make that provision inapplicable to the 2012–13 fiscal year.~~

~~(30) Existing law requires the Director of Finance to make a specified adjustment in the percentage of General Fund revenues appropriated for school districts and community college districts for purposes of the provisions of the California Constitution requiring minimum funding for the public schools. This adjustment is related to the implementation of provisions related to the implementation of specified taxes imposed on gasoline and diesel.~~

~~This bill would delete the provision requiring the specified adjustment.~~

~~(31) Existing law prescribes the percentage of General Fund revenues appropriated for school districts and community college districts for purposes of the provisions of the California Constitution requiring minimum funding for the public schools. Existing law requires the Director of Finance to adjust that percentage in a specified manner for purposes of the 2011–12 fiscal year with respect to the shift to school districts and community college districts of local property tax revenues in connection with the dissolution of redevelopment agencies.~~

~~This bill would delete this provision.~~

~~(32) Under existing law, the California Constitution requires the state to comply with a minimum funding obligation each fiscal year with respect to the support of school districts and community college districts.~~

~~This bill would require, if the moneys applied by the state for the support of school districts and community college districts for the 2011–12 fiscal year exceed the minimum funding required by the California Constitution, that the excess, up to a certain amount, be deemed a payment of a specified fiscal settlement relating to the~~

minimum school funding obligation, as described, for the 2004–05 and 2005–06 fiscal years.

~~(33) Existing law creates the Charter School Security Fund in the State Treasury, and requires moneys in the fund to be available for deposit into the Charter School Revolving Loan Fund in case of default on any loan made from the Charter School Revolving Loan Fund.~~

~~This bill would require the State Department of Education to monitor the adequacy of the amount of funds in the Charter School Revolving Loan Fund and report annually, as specified, to the Department of Finance and the Controller on the need, if any, to transfer funds from the Charter School Security Fund to the Charter School Revolving Loan Fund to replace funds lost due to loan defaults and would provide for such a transfer to be made, as specified.~~

~~(34) Existing law requires the county superintendent of schools to determine a revenue limit for each school district in the county pursuant to a specified formula based on the base revenue limit of the school district for the prior year, adjusted for inflation, and the average daily attendance for the entire school district.~~

~~This bill would require the calculations of the base revenue limit for each school district to be reduced by amounts relating to the Redevelopment Property Tax Trust Fund and a proposed constitutional provision relating to education funding.~~

~~(35) Existing law requires the county superintendent of schools to determine a revenue limit for each school district in the county and requires the amount of the revenue limit to be adjusted for various factors. Existing law reduces the revenue limit for each school district for the 2011–12 fiscal year by a deficit factor of 20.404%.~~

~~This bill would provide that the deficit factor for each school district for the 2012–13 fiscal year would be 22.272%.~~

~~(36) Existing law provides that, in lieu of any inflation or cost-of-living adjustment, state funding for specified educational programs is increased in accordance with a prescribed formula.~~

~~This bill would provide that child care and development programs would not receive a cost-of-living adjustment in the 2012–13, 2013–14, and 2014–15 fiscal years.~~

~~(37) Existing law requires the board of supervisors of a county or city and county to order, and the auditor and treasurer of the county or city and county to make, a temporary transfer from funds of the county or city and county not immediately needed to pay claims against them to the school fund of a school district or county school service fund of~~

~~the amount needed whenever, prior to the receipt by a school district or county school service fund of its state, county, city and county, or district funds, the school district or county school service fund of the county or city and county does not have sufficient money to its credit to meet current expenses of maintenance.~~

~~This bill would authorize a charter school, after all transfer requests for school districts and county offices of education have been satisfied and in circumstances identical to those of a school district or county school service fund, to receive this type of transfer of funds.~~

~~(38) Existing law authorizes a county superintendent of schools, with the approval of the county board of education, to make a temporary transfer from the county school service fund to a school district that does not have sufficient money to its credit to meet current operating expenses.~~

~~This bill would authorize a charter school in circumstances identical to those of a school district to receive this type of transfer of funds.~~

~~(39) Existing law authorizes a county superintendent of schools, with the approval of the county board of education, to make an apportionment to a school district from the county school service fund conditional on the repayment of the apportionment and to transfer that amount from the general fund of the school district to the county school service fund during the next succeeding fiscal year.~~

~~This bill would authorize a charter school in circumstances identical to those of a school district to receive this type of apportionment.~~

~~(40) Existing law sets forth the minimum number of instructional days and minutes school districts, county offices of education, and charter schools are required to offer and allows a school district, county office of education, and charter school to reduce the equivalent of up to 5 days of instruction or the equivalent number of instructional minutes per school year through the 2014-15 school year.~~

~~If the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is not approved by the voters at the November 6, 2012, statewide general election, or if the provisions of that act that modify personal income tax rates do not become operative due to a conflict with another initiative measure that is approved at the same election and receives a greater number of affirmative votes, commencing December 15, 2012, this bill, for the 2012-13 and 2013-14 school years, would allow a school district, county office of education, or charter school to provide an instructional year of not less than 160 days or the equivalent number of instructional~~

minutes. The bill would require implementation of this reduction by a school district, county office of education, or charter school that is subject to collective bargaining to be achieved through the bargaining process. This authority would become inoperative on July 1, 2015, and would be repealed on January 1, 2016. The bill, if that measure is not approved by the voters or does not become operative due to the conflict discussed above, for the 2012–13 fiscal year, would reduce the amount of revenue limit funding received by each school district, county office of education, and charter school by a combined total of \$2,740,377,000 and would require the Superintendent to adjust the amount of categorical funding allocated to basic aid school districts, as defined, in the 2012–13 fiscal year to achieve the reduction in the amount of revenue limit funding.

(41) Existing law states that the law governing charter schools does not prohibit a private person or organization from providing funding or other assistance to the establishment or operation of a charter school.

This bill, until July 1, 2017, would authorize a charter school to contract with a county superintendent of schools or a county board of education for purposes of borrowing moneys, as described above. The bill would require the borrowed moneys to be expended by a charter school solely for purposes of meeting the cash management needs of the charter school due to the deferral of apportionment payments and not for purposes of making capital acquisitions.

(42) Existing law requires the Superintendent to annually compute a general-purpose entitlement, funded from a combination of state aid and local funds, for each charter school, as specified.

This bill would require the computation of the general-purpose entitlement to be reduced by any amount derived from a proposed constitutional provision relating to education funding.

(43) The existing Quality Education Investment Act of 2006 effectuates the intent of the Legislature to implement the terms of the proposed settlement agreement of a specified legal action, to provide for the discharge of the minimum state educational funding requirement, to improve the quality of academic instruction and the level of pupil achievement in schools whose pupils have high levels of poverty and complex educational needs, to develop exemplary school district and school practices to create working conditions to attract and retain well qualified teachers and administrators, and to focus school resources solely on instructional improvement and pupil services. The act requires, among other things, \$450,000,000 per fiscal year to be appropriated

from the General Fund for specified purposes for each of the 2008–09, and 2011–12 to 2014–15 fiscal years, inclusive, and requires those funds to be allocated, as specified, to Sections A and B of the State School Fund. The act requires these appropriations to be deemed General Fund revenues appropriated for school districts and community college districts for the 2004–05 and 2005–06 fiscal years, as specified. A provision of the act provides that, for the 2013–14 fiscal year, various amounts allocated under the act are to be adjusted to reflect the total fiscal settlement agreed to by the parties to the specified legal action referenced above.

This bill would instead appropriate for these purposes from the General Fund \$361,000,000 for the 2012–13 fiscal year, and \$218,322,000 for the 2013–14 fiscal year, for allocation by the Chancellor of the California Community Colleges and the Superintendent, as specified, to be deemed General Fund revenues appropriated for school districts and community college districts.

This bill would require any funds appropriated as described in (32) to be deemed General Fund revenues appropriated for school districts and community college districts for the 2004–05 and 2005–06 fiscal years, as specified. The bill would delay the adjustment related to the total fiscal settlement in the specified legal action until the 2014–15 fiscal year.

(44) Existing law provides that an essential component of transition services for individuals with exceptional needs is the project workability program that provides instruction and experiences that reinforce core curriculum concepts and skills leading to gainful employment. Existing law requires the Superintendent to develop criteria for awarding grants, funding, and evaluating workability projects and requires workability project applications to include, but not be limited to, specified elements.

This bill would define eligible applicants for project workability to include local educational agencies, including school districts, county offices of education, state special schools, and charter schools, and nonpublic, nonsectarian schools, as defined.

(45) Existing law, the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program (Cal Grant Program), establishes the Cal Grant A and B Entitlement awards, the California Community College Transfer Entitlement awards, the Competitive Cal Grant A and B awards, the Cal Grant C awards, and the Cal Grant T awards under the administration of the Student Aid Commission (commission), and

~~establishes eligibility requirements for awards under these programs for participating students attending qualifying institutions.~~

~~Existing law requires the maximum award amounts for students at independent institutions to be identified in the annual Budget Act. Existing law states the policy of the Cal Grant Program that the maximum Cal Grant A and B awards for students attending nonpublic institutions be equal to a specified amount.~~

~~Commencing with the 2013–14 award year, this bill would set maximum tuition award amounts for Cal Grant A and B awards for new recipients attending private for-profit and nonprofit postsecondary educational institutions, and would require the renewal award amount for a student whose initial award is subject to one of those maximum award amounts to be calculated pursuant to specified law.~~

~~(46) Existing law requires the Student Aid Commission to certify by October 1 of each year the institution’s latest 3-year cohort default rate as most recently reported by the United States Department of Education. Existing law provides that, for purposes of the 2012–13 academic year, and every academic year thereafter, an otherwise qualifying institution with a 3-year cohort default rate that is equal to or greater than 30% is ineligible for initial and renewal Cal Grant awards at the institution.~~

~~This bill would decrease that 3-year cohort default rate threshold to 15.5%. The bill would, for purposes of the 2012–13 academic year, and every academic year thereafter, make an otherwise qualifying institution ineligible for an initial or renewal Cal Grant award at the institution if the institution has a graduation rate of 30% or less for students taking 150% or less of the expected time to complete degree requirements, as specified, with certain exceptions. The bill also would require the commission to certify by October 1 of each year the institution’s latest graduation rate as reported by the United States Department of Education. The bill would require the commission to provide specified notifications and information to initial and renewal Cal Grant recipients seeking to attend, or attending, an institution that is ineligible for initial and renewal Cal Grant awards under the provisions of this bill.~~

~~(47) The Cal Grant Program prohibits an applicant from receiving one or a combination of Cal Grant awards in excess of a specified amount and from obtaining a baccalaureate degree before receiving a Cal Grant award, except in the case of Cal Grant T awards.~~

~~This bill would remove that exception for Cal Grant T awards and would allow a recipient who initially qualified for both a Cal Grant A award and a Cal Grant B award, and received a Cal Grant B award, to~~

be awarded a renewal Cal Grant A award if that recipient subsequently became ineligible for a renewal Cal Grant B award and meets the applicable Cal Grant A financial need and income and asset criteria.

(48) The Cal Grant Program entitles a student who transfers from a California community college to a qualifying institution that offers a baccalaureate degree to receive a Cal Grant A or B award if the student meets specified criteria.

This bill would additionally require that student to have attended a California community college in the academic year immediately preceding the academic year for which the award will be used, except as provided.

(49) Provisions of law that became inoperative on July 1, 2003, and that were repealed on January 1, 2004, established the Governor's Scholarship Programs under the administration of the Scholarshare Investment Board. Existing law expresses the intent of the Legislature to provide explicit authority to the board to continue to administer accounts for, and to make awards to, persons who qualified for awards under the provisions of the Governor's Scholarship Programs as those provisions existed on January 1, 2003, and to provide for the management and disbursement of funds previously set aside for the Governor's Scholarship Programs. Existing law provides that the amount remaining in the Golden State Scholarshare Trust following a specified transfer is available as a reserve for funding claims for awards.

This bill would additionally state the intent of the Legislature to provide a guarantee should additional funds be needed to cover awards authorized and made pursuant to the program. The bill would require the board to negotiate with the current manager of the program to execute an amended or new management and funding agreement, which would be required to include specified terms. The bill would further state the intent of the Legislature to appropriate the necessary funds to the Golden State Scholarshare Trust for the purpose of funding individual beneficiary accounts if funds retained in the trust after January 1, 2013, are insufficient to cover the remaining withdrawal requests. The bill would require the board to notify the Department of Finance and the Legislature no later than 10 working days after determining that this shortfall in available funding will occur.

(50) Existing law requires the governing board of each community college district to charge each resident a fee of \$46 per unit per semester, and to charge a tuition fee to nonresident students, with certain exceptions, including, but not limited to, exceptions for nonresident

students attending a community college pursuant to specified reciprocity agreements with California governing student attendance and fees. Existing law requires those nonresident students to pay a fee of \$42 per course unit.

This bill instead would require those students to pay a per unit fee that is 2 times the amount of the resident fee until June 30, 2013, and 3 times the amount of the resident fee commencing on July 1, 2013, thereby imposing a state-mandated local program.

(51) Existing law requires the Board of Governors of the California Community Colleges to adopt regulations for the payment of apportionments to community college districts. Existing law, notwithstanding the board of governors' authority in this respect, makes various adjustments to the payment of these apportionments by deferring certain amounts of apportionments for January to June, inclusive, to July and October, as specified.

This bill would revise these provisions. Specifically, commencing on December 15, 2012, if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is approved by the voters at the November 6, 2012, statewide general election and all of the provisions of that measure that modify personal income tax rates become operative, this bill would require the deferral of certain amounts of apportionments for February to June, inclusive, to July, and would appropriate \$801,094,000 for expenditure during the 2013–14 fiscal year, to be expended in accordance with certain provisions of the Budget Act of 2012.

If the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is not approved by the voters at that election, or if the provisions of that act that modify personal income tax rates do not become operative due to a conflict with another initiative measure that is approved at the same election and receives a greater number of affirmative votes, commencing on December 15, 2012, the bill would require the deferral of a greater amount of apportionments for February to June, inclusive, to July, and would appropriate \$961,000,000 for expenditure during the 2013–14 fiscal year, to be expended in accordance with certain provisions of the Budget Act of 2012.

(52) Under existing law, the California Constitution requires the total annual appropriations subject to limitation of the state and each local government to not exceed the appropriations limit of the entity of government for the prior year adjusted for the change in the cost of

~~living and the change in population, except as otherwise provided. Existing law, for purposes of effectively and efficiently implementing these government spending limitation provisions of the California Constitution, requires for the 2008–09 to 2012–13 fiscal years, inclusive, the average daily attendance of public school districts, including county superintendents of schools, serving kindergarten and grades 1 to 12, inclusive, to include the same amount of average daily attendance for classes for supplemental instruction and regional occupational centers and programs that was used in the 2007–08 fiscal year.~~

~~This bill would require the same amount of average daily attendance for classes for supplemental instruction and regional occupational centers and programs that was used in the 2007–08 fiscal year to also be used in the 2013–14 and 2014–15 fiscal years.~~

~~(53) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including a school district and a community college district, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions.~~

~~This bill, commencing with the 2012–13 fiscal year, would require certain funds appropriated in the annual Budget Act for reimbursement of the cost of a new program or increased level of service of an existing program mandated by statute or executive order to be available as a block grant to school districts, charter schools, county offices of education, and community college districts to support specified state-mandated local programs. The bill would provide that a school district, charter school, county office of education, or community college district that submits a letter of intent to the Superintendent of Public Instruction and receives block grant funding is not eligible to submit a claim for reimbursement for specified mandated programs for the fiscal year for which the block grant funding is received. The bill would make block grant funds subject to required audits.~~

~~The bill would require the Superintendent of Public Instruction to compile a list of all school districts, charter schools, and county offices of education that received block grant funding in the prior fiscal year and the Chancellor of the California Community Colleges to compile a list of all community college districts that received block grant funding in the prior fiscal year and the total amount each school district, charter school, county office of education, and community college district received. The Superintendent and the chancellor would be required to provide this information to the appropriate fiscal and policy committees~~

of the Legislature, the Controller, the Department of Finance, and the Legislative Analyst's Office on or before September 9 of each year.

~~(54) Existing law authorizes a local agency, defined to include a school district and county board of education, to borrow money and the indebtedness to be represented by a note or notes issued to the lender. Existing law authorizes the local agency to use the money borrowed for any purpose for which the local agency is authorized to use and expend moneys, including, but not limited to, current expenses, capital expenditures, investment and reinvestment, and the discharge of an obligation or indebtedness of the local agency. Existing law requires the notes of certain school districts and county boards of education to be issued by the appropriate county board of supervisors. Existing law requires a note so issued to be a general obligation of the local agency, and, to the extent not paid from the taxes, income, revenue, cash receipts, or other moneys of the local agency pledged for the payment of the note and interest, to be paid from any other moneys of the local agency lawfully available for that purpose.~~

~~This bill would authorize a charter school to borrow money pursuant to these provisions:~~

~~(55) Existing law authorizes a school district to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the school district for the purpose of funding the construction or reconstruction of school facilities. Existing law authorizes a school district to increase the levy, as prescribed, if state funds for new school facility construction are not available, as specified.~~

~~This bill would suspend the operation of the provision authorizing the increased levy from the day this bill becomes operative until January 1, 2015, or until an earlier date upon the occurrence of a specified circumstance, including passage of a statewide school facilities bond.~~

~~(56) The Budget Act of 2011 made numerous appropriations for the support of public education in this state.~~

~~This bill would reduce by various amounts appropriations made for purposes of supplemental school counseling, special education, partnership academies, instructional support to assist certain pupils to pass the high school exit examination, English language tutoring to limited-English-proficient pupils, incentive grants to support the hiring of more physical education teachers, the Arts and Music Block Grant, certificated staff mentoring, and community colleges, thereby making an appropriation. The bill also would make available for reappropriation the unencumbered balances of specified appropriations made in prior~~

fiscal years for various educational purposes and would reappropriate \$220,137,000 to the State Department of Education for apportionment for special education programs.

(57) The Administrative Procedure Act, among other things, sets forth procedures for the development, adoption, and promulgation of regulations by administrative agencies charged with the implementation of statutes.

This bill would authorize the State Department of Education, notwithstanding the procedures required by the Administrative Procedure Act, to implement the provision of the bill related to the reduction of the maximum reimbursable amounts for specified contracts and the order of disenrollment from subsidized child care services, as described in (17), through management bulletins or other similar instructions.

(58) The bill would provide that the implementation of the provision of the bill related to the reduction of the maximum reimbursable amounts for specified contracts and the order of disenrollment from subsidized child care services, as described in (17), is not subject to the appeal and resolution procedures for agencies that contract with the State Department of Education for these purposes.

(59) This bill would set the cost-of-living adjustment for specified items in the Budget Act of 2012 at 0% for the 2012–13 fiscal year, notwithstanding the cost-of-living adjustment specified in existing statutes.

(60) Under existing law, the amount of revenue that a school district may collect annually for general purposes, called a revenue limit, is calculated in accordance with various statutory formulas. A basic aid school district is a school district where property tax revenues exceed the revenue limit and the school district consequently does not receive a state apportionment.

This bill would express legislative intent that basic aid school districts assume categorical funding reductions proportionate to the revenue limit reductions implemented for nonbasic aid school districts in the 2008–09, 2009–10, 2010–11, and 2011–12 fiscal years. The bill would include calculations to implement these funding reductions.

(61) This bill would require that \$12,133,000 of the funds appropriated in the Budget Act of 2011 for purposes of special education programs, be provided to fully fund the 2008–09 maintenance of effort required for special education programs.

~~(62) Existing law appropriates funding for class size reduction in kindergarten and grades 1 to 3, inclusive, to be expended consistent with the specified requirements.~~

~~This bill would require the Superintendent of Public Instruction to certify to the Controller the amounts needed for the 2012–13 fiscal year to fund the Class Size Reduction Program and set forth a schedule for the transfer of that funding. The bill would require the Controller to transfer that funding from the General Fund to the State School Fund.~~

~~The bill would require the Superintendent, before making each certification, to notify the Department of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature regarding the amounts the Superintendent intends to certify and would require the notification to include the data used in determining the amounts to be certified.~~

~~(63) This bill would appropriate \$905,700,000 from the General Fund to the State Department of Education for 10 specified programs according to a specified schedule, and would require the department to encumber these funds by July 31, 2013. The bill would provide that, for purposes of satisfying the minimum annual funding obligation for school districts required by the California Constitution, the appropriated funds are General Fund revenues appropriated for school districts for the 2012–13 fiscal year.~~

~~(64) This bill would require funds appropriated pursuant to specified items in the Budget Act of 2012 to be encumbered by July 31, 2013.~~

~~(65) This bill would appropriate \$516,881,000 from the General Fund to the Board of Governors of the California Community Colleges in augmentation of specified funds appropriated in the Budget Act of 2012 for the purpose of increasing apportionment funding to community college districts. This provision would become operative on December 15, 2012, only if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is not approved by the voters at the November 6, 2012, statewide general election, or if the provisions of that act that modify personal income tax rates do not become operative for a specified reason.~~

~~(66) Existing law requires the Board of Governors of the California Community Colleges, in calculating each community college district's revenue level for each fiscal year, to subtract, among other things, the local property tax revenue specified by law for general operating support, exclusive of bond interest and redemption, from the total revenues owed.~~

~~This bill would appropriate an unspecified amount, on or before June 30, 2012, to be determined by the Director of Finance, up to \$116,133,000, from the General Fund to the Board of Governors of the California Community Colleges in augmentation of an item of the Budget Act of 2011 related to community colleges if revenues distributed to community colleges pursuant to specified provisions related to the dissolution of redevelopment agencies are less than estimated in the Budget Act of 2011. The bill would require the Director of Finance, in making this determination, to consider any other local property tax revenues and student fee revenues collected in excess of the estimated amount of those revenues as reflected in the Budget Act of 2012. The bill would provide that, for purposes of satisfying the minimum annual funding obligation for community college districts required by the California Constitution, the appropriated funds are General Fund revenues appropriated for community college districts in the 2011–12 fiscal year. The bill would make a similar appropriation of an unspecified amount, without the \$116,133,000 limit, on or before June 30, 2013, in augmentation of an item of the Budget Act of 2012 related to community colleges.~~

~~(67) This bill would also appropriate an unspecified amount, up to \$19,347,000, on or before June 30, 2012, to the Superintendent of Public Instruction, in augmentation of an item of the Budget Act of 2011 related to special education programs of local educational agencies. The bill would make a similar appropriation of an unspecified amount, without the \$19,347,000 limit, to the extent of excess revenues, as specified, on or before June 30, 2013, in augmentation of an item of the Budget Act of 2012 related to special education programs of local educational agencies.~~

~~(68) This bill would require the Chancellor of the California Community Colleges, as approved by the Department of Finance and on or before November 30, 2012, to reduce community college district based workload measures to match available general-purpose apportionment funding if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is not approved by the voters at the November 6, 2012, statewide general election, or if the provisions of that act that modify personal income tax rates do not become operative due to a conflict with another initiative measure that is approved at the same election and receives a greater number of affirmative votes. The bill would state the intent of the Legislature that any necessary workload reductions be made in courses~~

and programs outside of those needed by students to achieve their basic skills, workforce training, or transfer goals. The bill would require the chancellor, on or before September 15, 2013, to provide the fiscal committees of both houses of the Legislature and the Director of Finance with a report on the implementation of the workload reduction.

~~(69) This bill would require that, if the Schools and Local Public Safety Protection Act of 2012 is approved by the voters at the November 6, 2012, statewide general election, and all of the provisions of that act that modify personal income tax rates become operative, \$50,000,000 would be transferred between specified budget items for the purpose of providing growth funding to community college districts, as specified.~~

~~(70) This bill would direct the Director of Finance to reduce a specified appropriation made in the Budget Act of 2012 to the State Department of Developmental Services by \$197,152,000 and would appropriate that amount to the State Department of Developmental Services for purposes of the Early Start Program. This provision would become operative on December 15, 2012, only if the Schools and Local Public Safety Protection Act of 2012 (Attorney General reference number 12-0009) is not approved by the voters at the November 6, 2012, statewide general election, or if the provisions of that act that modify personal income tax rates do not become operative due to a conflict with another initiative measure that is approved at the same election and receives a greater number of affirmative votes.~~

~~(71) This bill would make conforming changes, correct cross-references, and make other nonsubstantive changes.~~

~~(72) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~(73) Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.~~

~~(74) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 17193.5 of the Education Code is amended*
2 *to read:*

3 17193.5. (a) For purposes of this section, “public credit
4 provider” means any financial institution or combination of
5 financial institutions, that consists either solely, or has as a member
6 or participant, a public retirement system. Notwithstanding any
7 other law, a public credit provider, in connection with providing
8 credit enhancement for bonds, notes, certificates of participation,
9 or other evidences of indebtedness of a participating party, may
10 require the participating party to agree to the following conditions:

11 (1) If a participating party adopts a resolution by a majority vote
12 of its board to participate under this section, it shall provide notice
13 to the Controller of that election. The notice shall include a
14 schedule for the repayment of principal and interest on the bonds,
15 notes, certificates of participation, or other evidence of
16 indebtedness and identify the public credit provider that provided
17 credit enhancement. The notice shall be provided not later than
18 the date of issuance of the bonds.

19 (2) If, for any reason a public credit provider is required to make
20 principal or interest payments or both pursuant to a credit
21 enhancement agreement, the public credit provider shall
22 immediately notify the Controller of that fact and of the amount
23 paid out by the public credit provider.

24 (3) Upon receipt of the notice required by paragraph (2), the
25 Controller shall make an apportionment to the public credit
26 provider in the amount of the payments made by the public credit
27 provider for the purpose of reimbursing the public credit provider
28 for its expenditures made pursuant to the credit enhancement
29 agreement. The Controller shall make that apportionment only
30 from ~~moneys~~ one or both of the following:

31 (A) Moneys designated for apportionments to a school district
32 pursuant to Section 42238 or to a county office of education
33 pursuant to Section 2558 or to the community college district
34 pursuant to Section 84750, or in the case of a charter school,
35 pursuant to Sections 47633, 47634.1, and 47634.2.

36 (B) Moneys, if any, designated for apportionment to a school
37 district, county office of education, or charter school pursuant to

1 *subparagraph (B) of paragraph (3) of subdivision (e) of Section*
2 *36 of Article XIII of the California Constitution.*

3 (b) The amount apportioned for a participating party pursuant
4 to this section shall be deemed to be an allocation to the
5 participating party for purposes of subdivision (b) or Section 8 of
6 Article XVI of the California Constitution. For purposes of
7 computing revenue limits or revenue levels pursuant to Section
8 42338 for any school district or pursuant to Section 2558 for any
9 county office of education or pursuant to Section 84750 for any
10 community college district, the revenue limit or revenue level for
11 any fiscal year in which funds are apportioned for the district or
12 for the county office of education pursuant to this section shall
13 include any amounts apportioned by the Controller pursuant to
14 paragraph (3) of subdivision (a). For purposes of computing the
15 general-purpose entitlement of a charter school pursuant to Section
16 47633, that entitlement shall include any amounts apportioned by
17 the Controller pursuant to paragraph (3) of subdivision (a). For
18 purposes of computing the categorical block grant of a charter
19 school pursuant to Section 47634.1 or 47634.2, that grant shall
20 include any amounts apportioned by the Controller pursuant to
21 paragraph (3) of subdivision (a). The participating party and its
22 creditors do not have a claim to funds apportioned or anticipated
23 to be apportioned to the trustee by the Controller pursuant to
24 paragraph (3) of subdivision (a).

25 *SEC. 2. Section 17199.4 of the Education Code is amended to*
26 *read:*

27 17199.4. (a) Notwithstanding any other law, any participating
28 party, in connection with securing financing or refinancing of
29 projects, or working capital pursuant to this chapter, may elect to
30 guarantee or provide for payment of the bonds and related
31 obligations in accordance with the following conditions:

32 (1) If a participating party adopts a resolution by a majority vote
33 of its board to participate under this section, it shall provide notice
34 to the Controller of that election. The notice shall include a
35 schedule for the repayment of principal and interest on the bonds,
36 and any other costs necessary or incidental to financing pursuant
37 to this chapter, and identify a trustee appointed by the participating
38 party or the authority for purposes of this section. If payment of
39 all or a portion of the principal and interest on the bond is secured
40 by a letter of credit or other instrument of direct payment, the

1 notice may provide for reimbursements to the provider of the
2 instrument in lieu of payment of that portion of the principal and
3 interest of the bonds. The notice shall be provided not later than
4 the date of issuance of the bonds or 60 days before the next
5 payment, whichever date is later. The participating party shall
6 update the notice at least annually if there is a change in the
7 required payment for any reason, including, but not limited to,
8 providing for new or increased costs necessary or incidental to the
9 financing.

10 (2) If, for any reason, the participating party will not make a
11 payment at the time the payment is required, the participating party
12 shall notify the trustee of that fact and of the amount of the
13 deficiency. If the trustee receives this notice from the participating
14 party, or does not receive any payment by the date that payment
15 becomes due, the trustee shall immediately communicate that
16 information to the Controller.

17 (3) Upon receipt of the notice required by paragraph (2), the
18 Controller shall make an apportionment to the trustee on the date
19 shown in the schedule in the amount of the deficiency for the
20 purpose of making the required payment. The Controller shall
21 make that apportionment only from ~~moneys~~ *one or both of the*
22 *following:*

23 ~~(A) Moneys in Section A of the State School Fund~~ designated
24 for apportionment to a school district pursuant to Section 42238
25 or to the county office of education pursuant to Section 2558, or
26 in the case of a charter school, pursuant to Sections 47633, 47634.1,
27 and 47634.2.

28 *(B) Moneys, if any, designated for apportionment to a school*
29 *district, county office of education, or charter school pursuant to*
30 *subparagraph (B) of paragraph (3) of subdivision (e) of Section*
31 *36 of Article XIII of the California Constitution.*

32 (4) As an alternative to the procedures set forth in paragraphs
33 (2) and (3), the participating party may provide a transfer schedule
34 in its notice to the Controller of its election to participate under
35 this section. The transfer schedule shall set forth amounts to be
36 transferred to the trustee and the date for the transfers. The
37 Controller, subject to the limitation in paragraph (3), shall make
38 apportionments to the trustee of those amounts on the specified
39 date for the purpose of making those transfers. The authority may
40 require a participating party to proceed under this subdivision.

1 (b) (1) The amount apportioned for a participating party
2 pursuant to this section shall be deemed to be an allocation to the
3 participating party for purposes of subdivision (b) of Section 8 of
4 Article XVI of the California Constitution.

5 (2) For purposes of computing revenue limits pursuant to Section
6 42238 for any school district or pursuant to Section 2558 for any
7 county office of education, the revenue limit for any fiscal year in
8 which funds are apportioned for the participating party pursuant
9 to this section shall include any amounts apportioned by the
10 Controller pursuant to paragraphs (3) and (4) of subdivision (a).

11 (3) For purposes of computing the general-purpose entitlement
12 of a charter school pursuant to Section 47633, that entitlement
13 shall include any amounts apportioned by the Controller pursuant
14 to paragraphs (3) and (4) of subdivision (a). For purposes of
15 computing the categorical block grant of a charter school pursuant
16 to Section 47634.1 or 47634.2, that grant shall include any amounts
17 apportioned by the Controller pursuant to paragraphs (3) and (4)
18 of subdivision (a). The participating party and its creditors do not
19 have a claim to funds apportioned or anticipated to be apportioned
20 to the trustee by the Controller pursuant to paragraph (3) and (4)
21 of subdivision (a), or to the funds apportioned to by the Controller
22 to the trustee under any other provision of this section.

23 (c) (1) Participating parties that elect to participate under this
24 section shall apply to the authority. The authority shall consider
25 each of the following priorities in making funds available:

26 (A) First priority shall be given to school districts, charter
27 schools, or county offices of education that apply for funding for
28 instructional classroom space.

29 (B) Second priority shall be given to school districts, charter
30 schools, or county offices of education that apply for funding of
31 modernization of instructional classroom space.

32 (C) Third priority shall be given to all other eligible costs, as
33 defined in Section 17173.

34 (2) The authority shall prioritize applications at appropriate
35 intervals.

36 (3) A school district electing to participate under this section
37 that has applied for revenue bond moneys for purposes of joint
38 venture school facilities construction projects, pursuant to Article
39 5 (commencing with Section 17060) of Chapter 12, shall not be
40 subject to the priorities set forth in paragraph (1).

(d) This section shall not be construed to make the State of California liable for any payments within the meaning of Section 1 of Article XVI of the California Constitution or otherwise, except as expressly provided in this section.

(e) A school district that has a qualified or negative certification pursuant to Section 42131, or a county office of education that has a qualified or negative certification pursuant to Section 1240, may not participate under this section.

SEC. 3. Section 52055.780 of the Education Code is amended to read:

52055.780. (a) School districts and chartering authorities shall receive funding at the following rate, on behalf of funded schools:

(1) For kindergarten and grades 1 to 3, inclusive, five hundred dollars (\$500) per enrolled pupil in funded schools.

(2) For grades 4 to 8, inclusive, nine hundred dollars (\$900) per enrolled pupil in funded schools.

(3) For grades 9 to 12, inclusive, one thousand dollars (\$1,000) per enrolled pupil in funded schools.

(b) For purposes of subdivision (a), enrollment of a pupil in a funded school in the prior fiscal year shall be based on data from the CBEDS.

(c) For the 2012–13 fiscal year, three hundred sixty-one million dollars (\$361,000,000) is hereby appropriated from the General Fund to be allocated as follows:

(1) Forty-eight million dollars (\$48,000,000) for transfer by the Controller to Section B of the State School Fund for allocation by the Chancellor of the California Community Colleges to community colleges as required under subdivision (d).

(2) Three hundred thirteen million dollars (\$313,000,000) for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent pursuant to this article.

(3) Payments made pursuant to this subdivision shall be made only on or after October 8 of the 2012–13 fiscal year.

(d) The sum transferred pursuant to paragraph (1) of subdivision (c) shall be allocated by the Chancellor of the California Community Colleges to the community colleges for the purpose of improving and expanding career technical education in public secondary education and lower division public higher education pursuant to Section 88532, including the hiring of additional faculty

1 to expand the number of career technical education programs and
2 course offerings.

3 (e) For the 2013–14 fiscal year, ~~two hundred eighteen million~~
4 ~~three hundred twenty-two thousand dollars (\$218,322,000)~~ *three*
5 *hundred sixty-one million dollars (\$361,000,000)* is hereby
6 appropriated from the General Fund to be allocated as follows:

7 (1) Forty-eight million dollars (\$48,000,000) for transfer by the
8 Controller to Section B of the State School Fund for allocation by
9 the Chancellor of the California Community Colleges to
10 community colleges as required under subdivision (d).

11 (2) ~~One hundred seventy million three hundred twenty-two~~
12 ~~thousand dollars (\$170,322,000)~~ *Three hundred thirteen million*
13 *dollars (\$313,000,000)* for transfer by the Controller to Section A
14 of the State School Fund for allocation by the Superintendent
15 pursuant to this article.

16 (f) From funds appropriated under subdivision (c), the
17 Superintendent shall provide not more than two million dollars
18 (\$2,000,000) to county superintendents of schools to carry out the
19 requirements of this article, allocated in a manner similar to that
20 created to carry out the new duties of those superintendents under
21 the settlement agreement in the case of Williams v. California
22 (Super. Ct. San Francisco, No. CGC–00–312236).

23 (g) For purposes of making the computations required by Section
24 8 of Article XVI of the California Constitution, including
25 computation of the state’s minimum funding obligation to school
26 districts and community college districts in subsequent fiscal years,
27 the appropriations made pursuant to subdivisions (c) and (e) shall
28 be deemed to be “General Fund revenues appropriated for school
29 districts,” as defined in subdivision (c) of Section 41202 and
30 “General Fund revenues appropriated for community college
31 districts,” as defined in subdivision (d) of Section 41202, for the
32 2012–13 fiscal year and included within the “total allocations to
33 school districts and community college districts from General Fund
34 proceeds of taxes appropriated pursuant to Article XIII B,” as
35 defined in subdivision (e) of Section 41202, for that fiscal year.

36 *SEC. 4. Section 56520 of the Education Code is amended to*
37 *read:*

38 56520. (a) The Legislature finds and declares all of the
39 following:

(1) That the state has continually sought to provide an appropriate and meaningful educational program in a safe and healthy environment for all children regardless of possible physical, mental, or emotionally disabling conditions. *That many schoolage individuals with exceptional needs have significant behavioral challenges that have an adverse impact on their learning or the learning of other pupils, or both. That such individuals with exceptional needs often end up in highly segregated educational placements or are expelled or kept out of school because they exhibit serious behavior problems that, in addition to impeding learning, put the safety of the individual with exceptional needs, or the safety of others, at risk. That the adverse impact of the serious behavior on the quality of life of the impacted individual with exceptional needs is extremely high.*

~~(2) That teachers of children with special needs require training and guidance that provides positive ways for working successfully with children who have difficulties conforming to acceptable behavioral patterns in order to provide an environment in which learning can occur~~ *the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) emphasizes a proactive approach to behaviors that interfere with learning by requiring, pursuant to Section 1414(d)(3)(B)(i) of Title 20 of the United States Code, for individuals with exceptional needs whose behavior impedes their learning or the learning of other pupils, the IEP team to consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.*

(3) That procedures for the elimination of maladaptive behaviors shall not include those deemed unacceptable under Section 49001 or those that cause pain or trauma.

(4) *That significant health and safety risks to pupils and school personnel may result from individuals with exceptional needs exhibiting assaultive and injurious, including self-injurious, behaviors. These health and safety risks are minimized by the use of positive behavioral intervention services that are developed in a manner consistent with the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and its implementing regulations and with recognized professional practices and principles based on peer-reviewed research as identified by the Office of Special Education Programs of the United States Department of Education.*

1 (5) *That this chapter shall not exceed the requirements of federal*
2 *law, create new or separate state requirements, or result in a level*
3 *of state service beyond that needed to comply with federal law and*
4 *regulations.*

5 (b) It is the intent of the Legislature:

6 (1) *That children who need functional behavioral assessments*
7 *and positive behavioral intervention plans, or other positive*
8 *behavior interventions, supports, and other strategies, to succeed*
9 *in school in the least restrictive environment, receive them in a*
10 *timely manner.*

11 (2) *That functional behavioral assessments and positive*
12 *behavioral interventions, supports, and other strategies be provided*
13 *in accordance with the federal Individuals with Disabilities*
14 *Education Act (20 U.S.C. 1400 et seq.) and its implementing*
15 *regulations.*

16 (3) *That functional behavioral assessments and positive*
17 *behavioral interventions and supports be developed and*
18 *implemented in a manner consistent with the practices and*
19 *guidance provided by the United States Department of Education*
20 *and technical assistance centers sponsored by the Office of Special*
21 *Education Programs of the United States Department of Education.*

22 (4) *That behavioral emergency procedures not be used as a*
23 *substitute for functional behavioral assessments and positive*
24 *behavioral interventions, supports, and other strategies, that*
25 *address the underlying cause of the behavior and teach the*
26 *individual positive replacement behavior.*

27 (5) *That functional behavioral assessments reflect valid and*
28 *reliable practices.*

29 (6) *That, whenever practicable, positive behavioral intervention*
30 *plans be based on peer-reviewed research.*

31 (7) *That procedures in this chapter be used to minimize the*
32 *risks, injuries, costs, and liabilities associated with the*
33 *implementation of corporal techniques and other inappropriate,*
34 *stigmatizing, and counterproductive responses to maladaptive*
35 *behavior.*

36 ~~(1)~~

37 (8) *That when behavioral interventions are used, they be used*
38 *in consideration of the pupil's physical freedom and social*
39 *interaction, be administered in a manner that respects human*

1 dignity and personal privacy, and that ensure a pupil's right to
2 placement in the least restrictive educational environment.

3 ~~(2)~~

4 (9) That behavioral ~~management~~ *intervention* plans be developed
5 and used, to the extent possible, in a consistent manner *across all*
6 *settings, including* when the pupil is also the responsibility of
7 another agency for residential care or related services.

8 ~~(3) That a statewide study be conducted of the use of behavioral~~
9 ~~interventions with California individuals with exceptional needs~~
10 ~~receiving special education and related services.~~

11 ~~(4)~~

12 (10) That training programs be developed and implemented in
13 institutions of higher education that train teachers and that
14 in-service training programs be made available as necessary in
15 school districts and county offices of education to ~~assure~~ *ensure*
16 that adequately trained staff are available to work effectively with
17 the behavioral intervention needs of individuals with exceptional
18 needs.

19 *SEC. 5. Section 56521.1 is added to the Education Code, to*
20 *read:*

21 *56521.1. (a) Emergency interventions may only be used to*
22 *control unpredictable, spontaneous behavior that poses a clear*
23 *and present danger of serious physical harm to the individual with*
24 *exceptional needs, or others, and that cannot be immediately*
25 *prevented by a response less restrictive than the temporary*
26 *application of a technique used to contain the behavior.*

27 *(b) Emergency interventions shall not be used as a substitute*
28 *for the systematic behavioral intervention plan that is designed to*
29 *change, replace, modify, or eliminate a targeted behavior.*

30 *(c) No emergency intervention shall be employed for longer*
31 *than is necessary to contain the behavior. A situation that requires*
32 *prolonged use of an emergency intervention shall require staff to*
33 *seek assistance of the schoolsite administrator or law enforcement*
34 *agency, as applicable to the situation.*

35 *(d) Emergency interventions shall not include:*

36 *(1) Locked seclusion, unless it is in a facility otherwise licensed*
37 *or permitted by state law to use a locked room.*

38 *(2) Employment of a device, material, or objects that*
39 *simultaneously immobilize all four extremities, except that*

1 *techniques such as prone containment may be used as an*
2 *emergency intervention by staff trained in such procedures.*

3 *(3) An amount of force that exceeds that which is reasonable*
4 *and necessary under the circumstances.*

5 *(e) To prevent emergency interventions from being used in lieu*
6 *of planned, systematic behavioral interventions, the parent,*
7 *guardian, and residential care provider, if appropriate, shall be*
8 *notified within one schoolday if an emergency intervention is used*
9 *or serious property damage occurs. A behavioral emergency report*
10 *shall immediately be completed and maintained in the file of the*
11 *individual with exceptional needs. The behavioral emergency*
12 *report shall include all of the following:*

13 *(1) The name and age of the individual with exceptional needs.*

14 *(2) The setting and location of the incident.*

15 *(3) The name of the staff or other persons involved.*

16 *(4) A description of the incident and the emergency intervention*
17 *used, and whether the individual with exceptional needs is currently*
18 *engaged in any systematic behavioral intervention plan.*

19 *(5) Details of any injuries sustained by the individual with*
20 *exceptional needs, or others, including staff, as a result of the*
21 *incident.*

22 *(f) All behavioral emergency reports shall immediately be*
23 *forwarded to, and reviewed by, a designated responsible*
24 *administrator.*

25 *(g) If a behavioral emergency report is written regarding an*
26 *individual with exceptional needs who does not have a behavioral*
27 *intervention plan, the designated responsible administrator shall,*
28 *within two days, schedule an individualized education program*
29 *(IEP) team meeting to review the behavioral emergency report,*
30 *to determine the necessity for a functional behavioral assessment,*
31 *and to determine the necessity for an interim plan. The IEP team*
32 *shall document the reasons for not conducting the functional*
33 *behavioral assessment, not developing an interim plan, or both.*

34 *(h) If a behavioral emergency report is written regarding an*
35 *individual with exceptional needs who has a positive behavioral*
36 *intervention plan, an incident involving a previously unseen serious*
37 *behavior problem, or where a previously designed intervention is*
38 *ineffective, shall be referred to the IEP team to review and*
39 *determine if the incident constitutes a need to modify the positive*
40 *behavioral intervention plan.*

1 *SEC. 6. Section 56521.2 is added to the Education Code, to*
2 *read:*

3 56521.2. (a) A local educational agency or nonpublic,
4 nonsectarian school or agency serving individuals with exceptional
5 needs pursuant to Sections 56365 and 56366 shall not authorize,
6 order, consent to, or pay for the following interventions, or other
7 interventions similar to or like the following:

8 (1) An intervention that is designed to, or likely to, cause
9 physical pain, including, but not limited to, electric shock.

10 (2) Releasing noxious, toxic, or otherwise unpleasant sprays,
11 mists, or substances in proximity to the face of the individual.

12 (3) An intervention that denies adequate sleep, food, water,
13 shelter, bedding, physical comfort, or access to bathroom facilities.

14 (4) An intervention that is designed to subject, used to subject,
15 or likely to subject, the individual to verbal abuse, ridicule, or
16 humiliation, or that can be expected to cause excessive emotional
17 trauma.

18 (5) Restrictive interventions that employ a device, material, or
19 objects that simultaneously immobilize all four extremities,
20 including the procedure known as prone containment, except that
21 prone containment or similar techniques may be used by trained
22 personnel as a limited emergency intervention.

23 (6) Locked seclusion, unless it is in a facility otherwise licensed
24 or permitted by state law to use a locked room.

25 (7) An intervention that precludes adequate supervision of the
26 individual.

27 (8) An intervention that deprives the individual of one or more
28 of his or her senses.

29 (b) Whenever an individualized education program (IEP) is
30 developed, reviewed, and revised, the IEP team shall, in the case
31 of an individual whose behavior impedes his or her learning or
32 that of others, consider the use of positive behavioral interventions
33 and supports, and other strategies, to address the behavior in
34 accordance with Section 1414(d)(3)(B) of Title 20 of the United
35 States Code and Sections 300.324(a)(2) and 300.324(b)(2) of Title
36 34 of the Code of Federal Regulations.

37 *SEC. 7. Section 56522 is added to the Education Code, to read:*

38 56522. (a) The Superintendent shall issue nonmandatory
39 program guidelines, as described in Section 33308.5, regarding

1 *the systematic use of behavioral interventions and emergency*
2 *interventions, and shall provide related training.*

3 *(b) At a minimum, the nonmandatory program guidelines and*
4 *training shall address all of the following:*

5 *(1) The recommended qualifications and training of personnel*
6 *who participate in the implementation of the behavioral*
7 *intervention plans, including training in positive behavioral*
8 *interventions.*

9 *(2) Special training recommended for the use of emergency*
10 *behavioral interventions and the types of interventions for which*
11 *that training would be applicable.*

12 *(3) Recommended behavioral emergency procedures.*

13 *SEC. 8. Section 56523 of the Education Code is amended to*
14 *read:*

15 *56523. (a) On or before September 1, 1992, the Superintendent*
16 *shall develop and the board shall adopt repeal those regulations*
17 *governing the use of behavioral interventions with individuals with*
18 *exceptional needs receiving special education and related services*
19 *that are no longer supported by statute, including Section 3052,*
20 *and applicable provisions of Section 3001, of Title 5 of the*
21 *California Code of Regulations.*

22 *(b) This section and the implementing regulations adopted by*
23 *the board are chapter is declaratory of federal law and deemed*
24 *necessary to implement the federal Individuals with Disabilities*
25 *Education Act (20 U.S.C. Sec. 1400 et seq.) and associated federal*
26 *regulations. This section chapter is intended to provide the clarity,*
27 *definition, and specificity necessary for local educational agencies*
28 *to comply with the federal Individuals with Disabilities Education*
29 *Act (20 U.S.C. Sec. 1400 et seq.) and shall be implemented by*
30 *local educational agencies without the development by the*
31 *Superintendent and adoption by the state board of any additional*
32 *regulations. This section, including the implementing state*
33 *regulations needed to implement federal law and regulations, shall*
34 *not exceed the requirements of federal law, create new or separate*
35 *state requirements, or result in a level of state service beyond that*
36 *needed to comply with federal law and regulations.*

37 *(c) As a condition of receiving funding from the federal*
38 *Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400*
39 *et seq.), a local educational agency shall agree to adhere to this*

~~chapter and implementing federal regulations and state regulations~~
set forth in this ~~section~~ *chapter*.

(d) The Superintendent may monitor local educational agency compliance with this ~~section~~ *chapter* and may take appropriate action, including fiscal repercussions, if either of the following is found:

(1) The local educational agency failed to comply with this ~~section and implementing regulations that govern the provision of special education and related services to individuals with exceptional needs~~ *chapter* and failed to comply substantially with corrective action orders issued by the department resulting from monitoring findings or complaint investigations.

(2) The local educational agency failed to implement the decision of a due process hearing officer based on noncompliance with this part, ~~the state implementing regulations~~, provisions of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), or the federal implementing regulations, wherein noncompliance resulted in the denial of, or impeded the delivery of, a free appropriate public education for an individual with exceptional needs.

(e) Commencing with the 2010–11 fiscal year, if any activities authorized pursuant to this section and implementing regulations are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, state funding provided for purposes of special education pursuant to Item 6110-161-0001 of Section 2.00 of the annual Budget Act shall first be used to directly offset any mandated costs.

~~(f) Contingent on the adoption of a statute in the 2009–10 Regular Session that adds Pursuant to Section 17570.1 to of the Government Code, the Legislature hereby requests the Department of Finance on or before December 31, 2010, 2012, to exercise its authority pursuant to subdivision (c) of Section 17570 of the Government Code and file a request with the Commission on State Mandates for the purpose of seeking the adoption of a new test claim to supersede CSM-4464 based on subsequent changes in law that may modify a requirement that the state reimburse a local government for a state mandate.~~

~~(g) The regulations shall do all of the following:~~

1 ~~(1) Specify the types of positive behavioral interventions which~~
2 ~~may be utilized and specify that interventions which cause pain~~
3 ~~or trauma are prohibited.~~

4 ~~(2) Require that, if appropriate, the pupil's individual education~~
5 ~~plan includes a description of the positive behavioral interventions~~
6 ~~to be utilized which accomplishes the following:~~

7 ~~(A) Assesses the appropriateness of positive interventions.~~

8 ~~(B) Assures the pupil's physical freedom, social interaction,~~
9 ~~and individual choices.~~

10 ~~(C) Respects the pupil's human dignity and personal privacy.~~

11 ~~(D) Assures the pupil's placement in the least restrictive~~
12 ~~environment.~~

13 ~~(E) Includes the method of measuring the effectiveness of the~~
14 ~~interventions.~~

15 ~~(F) Includes a timeline for the regular and frequent review of~~
16 ~~the pupil's progress.~~

17 ~~(3) Specify standards governing the application of restrictive~~
18 ~~behavioral interventions in the case of emergencies. These~~
19 ~~emergencies must pose a clear and present danger of serious~~
20 ~~physical harm to the pupil or others. These standards shall include:~~

21 ~~(A) The definition of an emergency.~~

22 ~~(B) The types of behavioral interventions that may be utilized~~
23 ~~in an emergency.~~

24 ~~(C) The duration of the intervention which shall not be longer~~
25 ~~than is necessary to contain the dangerous behavior.~~

26 ~~(D) A process and timeline for the convening of an individual~~
27 ~~education plan meeting to evaluate the application of the~~
28 ~~emergency intervention and adjust the pupil's individual education~~
29 ~~plan in a manner designed to reduce or eliminate the negative~~
30 ~~behavior through positive programming.~~

31 ~~(E) A process for reporting annually to the department and the~~
32 ~~Advisory Commission on Special Education the number of~~
33 ~~emergency interventions applied under this chapter.~~

34 ~~SEC. 9. Section 56525 of the Education Code is amended to~~
35 ~~read:~~

36 ~~56525. (a) A person recognized by the national Behavior~~
37 ~~Analyst Certification Board as a Board Certified Behavior Analyst~~
38 ~~qualifies as a behavioral intervention case manager of a district,~~
39 ~~special education local plan area, or county office and may conduct~~

1 behavior assessments and provide behavioral intervention services
2 for individuals with exceptional needs.

3 (b) This section does not require a district, special education
4 local plan area, or county office to use a Board Certified Behavior
5 Analyst ~~as a behavioral intervention case manager to conduct~~
6 *behavior assessments and provide behavioral intervention services*
7 *for individuals with exceptional needs.*

8 *SEC. 10. Section 69432.7 of the Education Code is amended*
9 *to read:*

10 69432.7. As used in this chapter, the following terms have the
11 following meanings:

12 (a) An “academic year” is July 1 to June 30, inclusive. The
13 starting date of a session shall determine the academic year in
14 which it is included.

15 (b) “Access costs” means living expenses and expenses for
16 transportation, supplies, and books.

17 (c) “Award year” means one academic year, or the equivalent,
18 of attendance at a qualifying institution.

19 (d) “College grade point average” and “community college
20 grade point average” mean a grade point average calculated on the
21 basis of all college work completed, except for nontransferable
22 units and courses not counted in the computation for admission to
23 a California public institution of higher education that grants a
24 baccalaureate degree.

25 (e) “Commission” means the Student Aid Commission.

26 (f) “Enrollment status” means part- or full-time status.

27 (1) “Part time,” for purposes of Cal Grant eligibility, means 6
28 to 11 semester units, inclusive, or the equivalent.

29 (2) “Full time,” for purposes of Cal Grant eligibility, means 12
30 or more semester units or the equivalent.

31 (g) “Expected family contribution,” with respect to an applicant,
32 shall be determined using the federal methodology pursuant to
33 subdivision (a) of Section 69506 (as established by Title IV of the
34 federal Higher Education Act of 1965, as amended (20 U.S.C. Sec.
35 1070 et seq.)) and applicable rules and regulations adopted by the
36 commission.

37 (h) “High school grade point average” means a grade point
38 average calculated on a 4.0 scale, using all academic coursework,
39 for the sophomore year, the summer following the sophomore
40 year, the junior year, and the summer following the junior year,

excluding physical education, reserve officer training corps (ROTC), and remedial courses, and computed pursuant to regulations of the commission. However, for high school graduates who apply after their senior year, “high school grade point average” includes senior year coursework.

(i) “Instructional program of not less than one academic year” means a program of study that results in the award of an associate or baccalaureate degree or certificate requiring at least 24 semester units or the equivalent, or that results in eligibility for transfer from a community college to a baccalaureate degree program.

(j) “Instructional program of not less than two academic years” means a program of study that results in the award of an associate or baccalaureate degree requiring at least 48 semester units or the equivalent, or that results in eligibility for transfer from a community college to a baccalaureate degree program.

(k) “Maximum household income and asset levels” means the applicable household income and household asset levels for participants, including new applicants and renewing recipients, in the Cal Grant Program, as defined and adopted in regulations by the commission for the 2001–02 academic year, which shall be set pursuant to the following income and asset ceiling amounts:

CAL GRANT PROGRAM INCOME CEILINGS

	Cal Grant A, C, and T	Cal Grant B
Dependent and Independent students with dependents*		
Family Size		
Six or more	\$74,100	\$40,700
Five	\$68,700	\$37,700
Four	\$64,100	\$33,700
Three	\$59,000	\$30,300
Two	\$57,600	\$26,900
Independent		
Single, no dependents	\$23,500	\$23,500
Married	\$26,900	\$26,900

*Applies to independent students with dependents other than a

spouse.

CAL GRANT PROGRAM ASSET CEILINGS

	Cal Grant A, C, and T	Cal Grant B
Dependent**	\$49,600	\$49,600
Independent	\$23,600	\$23,600

**Applies to independent students with dependents other than a spouse.

The commission shall annually adjust the maximum household income and asset levels based on the percentage change in the cost of living within the meaning of paragraph (1) of subdivision (e) of Section 8 of Article XIII B of the California Constitution. The maximum household income and asset levels applicable to a renewing recipient shall be the greater of the adjusted maximum household income and asset levels or the maximum household income and asset levels at the time of the renewing recipient's initial Cal Grant award. For a recipient who was initially awarded a Cal Grant for an academic year before the 2011–12 academic year, the maximum household income and asset levels shall be the greater of the adjusted maximum household income and asset levels or the 2010–11 academic year maximum household income and asset levels. An applicant or renewal recipient who qualifies to be considered under the simplified needs test established by federal law for student assistance shall be presumed to meet the asset level test under this section. Prior to disbursing any Cal Grant funds, a qualifying institution shall be obligated, under the terms of its institutional participation agreement with the commission, to resolve any conflicts that may exist in the data the institution possesses relating to that individual.

(l) (1) "Qualifying institution" means an institution that complies with paragraphs (2) and (3) and is any of the following:

(A) A California private or independent postsecondary educational institution that participates in the Pell Grant Program

1 and in at least two of the following federal campus-based student
2 aid programs:

- 3 (i) Federal Work-Study.
- 4 (ii) Perkins Loan Program.
- 5 (iii) Supplemental Educational Opportunity Grant Program.

6 (B) A nonprofit institution headquartered and operating in
7 California that certifies to the commission that 10 percent of the
8 institution's operating budget, as demonstrated in an audited
9 financial statement, is expended for purposes of institutionally
10 funded student financial aid in the form of grants, that demonstrates
11 to the commission that it has the administrative capacity to
12 administer the funds, that is accredited by the Western Association
13 of Schools and Colleges, and that meets any other state-required
14 criteria adopted by regulation by the commission in consultation
15 with the Department of Finance. A regionally accredited institution
16 that was deemed qualified by the commission to participate in the
17 Cal Grant Program for the 2000–01 academic year shall retain its
18 eligibility as long as it maintains its existing accreditation status.

19 (C) A California public postsecondary educational institution.

20 (2) (A) The institution shall provide information on where to
21 access California license examination passage rates for the most
22 recent available year from graduates of its undergraduate programs
23 leading to employment for which passage of a California licensing
24 examination is required, if that data is electronically available
25 through the Internet Web site of a California licensing or regulatory
26 agency. For purposes of this paragraph, "provide" may exclusively
27 include placement of an Internet Web site address labeled as an
28 access point for the data on the passage rates of recent program
29 graduates on the Internet Web site where enrollment information
30 is also located, on an Internet Web site that provides centralized
31 admissions information for postsecondary educational systems
32 with multiple campuses, or on applications for enrollment or other
33 program information distributed to prospective students.

34 (B) The institution shall be responsible for certifying to the
35 commission compliance with the requirements of subparagraph
36 (A).

37 (3) (A) The commission shall certify by October 1 of each year
38 the institution's latest three-year cohort default rate and graduation
39 rate as most recently reported by the United States Department of
40 Education.

(B) For purposes of the 2011–12 academic year, an otherwise qualifying institution with a three-year cohort default rate reported by the United States Department of Education that is equal to or greater than 24.6 percent shall be ineligible for initial and renewal Cal Grant awards at the institution, except as provided in subparagraph (F).

(C) For purposes of the 2012–13 academic year, and every academic year thereafter, an otherwise qualifying institution with a three-year cohort default rate that is equal to or greater than 15.5 percent, as certified by the commission on October 1, 2011, and every year thereafter, shall be ineligible for initial and renewal Cal Grant awards at the institution, except as provided in subparagraph (F).

(D) (i) An otherwise qualifying institution that becomes ineligible under this paragraph for initial and renewal Cal Grant awards ~~may~~ *shall* regain its eligibility ~~for the academic year following an~~ *in the* academic year in which it satisfies the requirements established in subparagraph (B), (C), or (G), as applicable.

(ii) If the United States Department of Education corrects or revises an institution's three-year cohort default rate or graduation rate that originally failed to satisfy the requirements established in subparagraph (B), (C), or (G), as applicable, and the correction or revision results in the institution's three-year cohort default rate or graduation rate satisfying those requirements, that institution shall immediately regain its eligibility for the academic year to which the corrected or revised three-year cohort default rate or graduation rate would have been applied.

(E) An otherwise qualifying institution for which no three-year cohort default rate or graduation rate has been reported by the United States Department of Education shall be provisionally eligible to participate in the Cal Grant Program until a three-year cohort default rate or graduation rate has been reported for the institution by the United States Department of Education.

(F) (i) An institution that is ineligible for initial and renewal Cal Grant awards at the institution under subparagraph (B), (C), or (G) shall be eligible for renewal Cal Grant awards for recipients who were enrolled in the ineligible institution during the academic year before the academic year for which the institution is ineligible and who choose to renew their Cal Grant awards to attend the

ineligible institution. Cal Grant awards subject to this subparagraph shall be reduced as follows:

(I) The maximum Cal Grant A and B awards specified in the annual Budget Act shall be reduced by 20 percent.

(II) The reductions specified in this subparagraph shall not impact access costs as specified in subdivision (b) of Section 69435.

(ii) This subparagraph shall become inoperative on July 1, 2013.

(G) For purposes of the 2012–13 academic year, and every academic year thereafter, an otherwise qualifying institution with a graduation rate of 30 percent or less for students taking 150 percent or less of the expected time to complete degree requirements, as reported by the United States Department of Education and as certified by the commission pursuant to subparagraph (A), shall be ineligible for initial and renewal Cal Grant awards at the institution, except as provided for in subparagraphs (F) and (I).

(H) Notwithstanding any other law, the requirements of this paragraph shall not apply to institutions with 40 percent or less of undergraduate students borrowing federal student loans, using information reported to the United States Department of Education for the academic year two years before the year in which the commission is certifying the three-year cohort default rate or graduation rate pursuant to subparagraph (A).

(I) Notwithstanding subparagraph (G), an otherwise qualifying institution with a three-year cohort default rate that is less than 10 percent and a graduation rate above 20 percent for students taking 150 percent or less of the expected time to complete degree requirements, as certified by the commission pursuant to subparagraph (A), shall remain eligible for initial and renewal Cal Grant awards at the institution through the 2016–17 academic year.

(J) The commission shall do all of the following:

(i) Notify initial Cal Grant recipients seeking to attend, or attending, an institution that is ineligible for initial and renewal Cal Grant awards under subparagraph (C) or (G) that the institution is ineligible for initial Cal Grant awards for the academic year for which the student received an initial Cal Grant award.

(ii) Notify renewal Cal Grant recipients attending an institution that is ineligible for initial and renewal Cal Grant awards at the institution under subparagraph (C) or (G) that the student's Cal

1 Grant award will be reduced by 20 percent, or eliminated, as
2 appropriate, if the student attends the ineligible institution in an
3 academic year in which the institution is ineligible.

4 (iii) Provide initial and renewal Cal Grant recipients seeking to
5 attend, or attending, an institution that is ineligible for initial and
6 renewal Cal Grant awards at the institution under subparagraph
7 (C) or (G) with a complete list of all California postsecondary
8 educational institutions at which the student would be eligible to
9 receive an unreduced Cal Grant award.

10 (K) By January 1, 2013, the Legislative Analyst shall submit
11 to the Legislature a report on the implementation of this paragraph.
12 The report shall be prepared in consultation with the commission,
13 and shall include policy recommendations for appropriate measures
14 of default risk and other direct or indirect measures of quality or
15 effectiveness in educational institutions participating in the Cal
16 Grant Program, and appropriate scores for those measures. It is
17 the intent of the Legislature that appropriate policy and fiscal
18 committees review the requirements of this paragraph and consider
19 changes thereto.

20 (m) “Satisfactory academic progress” means those criteria
21 required by applicable federal standards published in Title 34 of
22 the Code of Federal Regulations. The commission may adopt
23 regulations defining “satisfactory academic progress” in a manner
24 that is consistent with those federal standards.

25 *SEC. 11. Section 17581.6 of the Government Code is amended*
26 *to read:*

27 17581.6. (a) Commencing with the 2012–13 fiscal year, funds
28 provided in Item 6110-296-0001 of Section 2.00 of the annual
29 Budget Act shall be allocated as block grants to school districts,
30 charter schools, and county offices of education to support all of
31 the mandated programs described in subdivision (d).

32 (b) (1) Notwithstanding any other law, each fiscal year a school
33 district or county office of education may receive funding for the
34 performance of the mandated activities listed in subdivision (d)
35 either through the block grant established pursuant to this section
36 or by claiming reimbursement pursuant to Section 17560. A school
37 district or county office of education that claims reimbursement
38 for any mandated activities pursuant to Section 17560 for mandated
39 costs incurred during a fiscal year shall not be eligible for funding
40 pursuant to this section for the same fiscal year.

(2) A school district and county office of education that elects to receive block grant funding instead of seeking reimbursement pursuant to Section 17560 shall, and any charter school that elects to receive block grant funding shall, submit a letter of intent to the Superintendent of Public Instruction on or before September 30 of each year requesting block grant funding pursuant to this section. The Superintendent of *Public Instruction* shall distribute funding provided pursuant to subdivision (a) to school districts, charter schools, and county offices of education pursuant to the rates set forth in Item 6110-296-0001 of Section 2.00 of the annual Budget Act. Funding distributed pursuant to this section is in lieu of reimbursement pursuant to Section 6 of Article XIII B of the California Constitution for the performance of all activities specified in subdivision (d) as those activities pertain to school districts and county offices of education. A school district, county office of education, or charter school that submits a letter of intent and receives block grant funding pursuant to this section shall not also be eligible to submit a claim for reimbursement of costs incurred for a mandated program set forth in subdivision (d) for the fiscal year for which the block grant funding is received.

(c) Block grant funding provided to school districts, charter schools, and county offices of education pursuant to this section is subject to annual audits required by Section 41020 of the Education Code.

(d) Block grant funding provided pursuant to this section to individual school districts, charter schools, and county offices of education is to support all of the following mandated programs:

(1) Absentee Ballots (CSM 3713; Chapter 77 of the Statutes of 1978 and Chapter 1032 of the Statutes of 2002).

(2) *Academic Performance Index (01-TC-22; Chapter 3 of the Statutes of 1999, First Extraordinary Session; and Chapter 695 of the Statutes of 2000).*

~~(2)~~

(3) Agency Fee Arrangements (00-TC-17 and 01-TC-14; Chapter 893 of the Statutes of 2000 and Chapter 805 of the Statutes of 2001).

~~(3)~~

(4) AIDS Instruction and AIDS Prevention Instruction (CSM 4422, 99-TC-07, and 00-TC-01; Chapter 818 of the Statutes of 1991; and Chapter 403 of the Statutes of 1998).

1 ~~(4)~~
2 (5) California State Teachers' Retirement System Service Credit
3 (02-TC-19; Chapter 603 of the Statutes of 1994; Chapters 383,
4 634, and 680 of the Statutes of 1996; Chapter 838 of the Statutes
5 of 1997; Chapter 965 of the Statutes of 1998; Chapter 939 of the
6 Statutes of 1999; and Chapter 1021 of the Statutes of 2000).
7 ~~(5)~~
8 (6) Caregiver Affidavits (CSM 4497; Chapter 98 of the Statutes
9 of 1994).
10 ~~(6)~~
11 (7) Charter Schools I, II, and III (CSM 4437, 99-TC-03, and
12 99-TC-14; Chapter 781 of the Statutes of 1992; Chapters 34 and
13 673 of the Statutes of 1998; Chapter 34 of the Statutes of 1998;
14 and Chapter 78 of the Statutes of 1999).
15 (8) *Child Abuse and Neglect Reporting (01-TC-21: Chapters*
16 *640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes*
17 *of 1991; Chapter 459 of the Statutes of 1992; Chapter 311 of the*
18 *Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters*
19 *133 and 754 of the Statutes of 2001).*
20 ~~(7)~~
21 (9) Collective Bargaining (CSM 4425; Chapter 961 of the
22 Statutes of 1975).
23 ~~(8)~~
24 (10) Comprehensive School Safety Plans (98-TC-01 and
25 99-TC-10; Chapter 736 of the Statutes of 1997; Chapter 996 of
26 the Statutes of 1999; and Chapter 828 of the Statutes of 2003).
27 ~~(9)~~
28 (11) Consolidation of Annual Parent Notification/Schoolsite
29 Discipline Rules/Alternative Schools (CSM 4488, CSM 4461,
30 99-TC-09, 00-TC-12, 97-TC-24, CSM 4453, CSM 4474, CSM
31 4462; Chapter 448 of the Statutes of 1975; Chapter 965 of the
32 Statutes of 1977; Chapter 975 of the Statutes of 1980; Chapter 469
33 of the Statutes of 1981; Chapter 459 of the Statutes of 1985;
34 Chapters 87 and 97 of the Statutes of 1986; Chapter 1452 of the
35 Statutes of 1987; Chapters 65 and 1284 of the Statutes of 1988;
36 Chapter 213 of the Statutes of 1989; Chapters 10 and 403 of the
37 Statutes of 1990; Chapter 906 of the Statutes of 1992; Chapter
38 1296 of the Statutes of 1993; Chapter 929 of the Statutes of 1997;
39 Chapters 846 and 1031 of the Statutes of 1998; Chapter 1 of the
40 Statutes of 1999, First Extraordinary Session; Chapter 73 of the

1 Statutes of 2000; Chapter 650 of the Statutes of 2003; Chapter 895
2 of the Statutes of 2004; and Chapter 677 of the Statutes of 2005).

3 ~~(10)~~

4 (12) Consolidation of Law Enforcement Agency Notification
5 and Missing Children Reports (CSM 4505; Chapter 1117 of the
6 Statutes of 1989 and 01-TC-09; Chapter 249 of the Statutes of
7 1986; and Chapter 832 of the Statutes of 1999).

8 ~~(11)~~

9 (13) Consolidation of Notification to Teachers: Pupils Subject
10 to Suspension or Expulsion I and II, and Pupil Discipline Records
11 (00-TC-10 and 00-TC-11; Chapter 345 of the Statutes of 2000).

12 ~~(12)~~

13 (14) County Office of Education Fiscal Accountability Reporting
14 (97-TC-20; Chapters 917 and 1452 of the Statutes of 1987;
15 Chapters 1461 and 1462 of the Statutes of 1988; Chapter 1372 of
16 the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter
17 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes
18 of 1993; Chapters 650 and 1002 of the Statutes of 1994; and
19 Chapter 525 of the Statutes of 1995).

20 ~~(13)~~

21 (15) Criminal Background Checks (97-TC-16; Chapters 588
22 and 589 of the Statutes of 1997).

23 ~~(14)~~

24 (16) Criminal Background Checks II (00-TC-05; Chapters 594
25 and 840 of the Statutes of 1998; and Chapter 78 of the Statutes of
26 1999).

27 ~~(15)~~

28 (17) Differential Pay and Reemployment (99-TC-02; Chapter
29 30 of the Statutes of 1998).

30 (18) *Expulsion of Pupil: Transcript Cost for Appeals (SMAS;*
31 *Chapter 1253 of the Statutes of 1975).*

32 ~~(16)~~

33 (19) Financial and Compliance Audits (CSM 4498 and CSM
34 4498-A; Chapter 36 of the Statutes of 1977).

35 ~~(17)~~

36 (20) Habitual Truants (CSM 4487 and CSM 4487-A; Chapter
37 1184 of the Statutes of 1975).

38 ~~(18)~~

(21) High School Exit Examination (00-TC-06; Chapter 1 of the Statutes of 1999, First Extraordinary Session; and Chapter 135 of the Statutes of 1999).

~~(19)~~

(22) Immunization Records (SB 90-120; Chapter 1176 of the Statutes of 1977).

~~(20)~~

(23) Immunization Records—Hepatitis B (98-TC-05; Chapter 325 of the Statutes of 1978; Chapter 435 of the Statutes of 1979; Chapter 472 of the Statutes of 1982; Chapter 984 of the Statutes of 1991; Chapter 1300 of the Statutes of 1992; Chapter 1172 of the Statutes of 1994; Chapters 291 and 415 of the Statutes of 1995; Chapter 1023 of the Statutes of 1996; and Chapters 855 and 882 of the Statutes of 1997).

(24) *Interdistrict Attendance Permits* (CSM 4442; Chapters 172 and 742 of the Statutes of 1986; Chapter 853 of the Statutes of 1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the Statutes of 1992).

~~(21)~~

(25) Intradistrict Attendance (CSM 4454; Chapters 161 and 915 of the Statutes of 1993).

~~(22)~~

(26) Juvenile Court Notices II (CSM 4475; Chapters 1011 and 1423 of the Statutes of 1984; Chapter 1019 of the Statutes of 1994; and Chapter 71 of the Statutes of 1995).

~~(23)~~

(27) Mandate Reimbursement Process I and II (CSM 4204, CSM 4485, and 05-TC-05; Chapter 486 of the Statutes of 1975).

~~(24)~~

(28) Notification of Truancy (CSM 4133; Chapter 498 of the Statutes of 1983; Chapter 1023 of the Statutes of 1994; and Chapter 19 of the Statutes of 1995).

~~(25)~~

(29) Open Meetings/Brown Act Reform (CSM 4257 and CSM 4469; Chapter 641 of the Statutes of 1986; and Chapters 1136, 1137, and 1138 of the Statutes of 1993).

~~(26)~~

(30) Physical Performance Tests (96-365-01; Chapter 975 of the Statutes of 1995).

~~(27)~~

1 (31) Prevailing Wage Rate (01-TC-28; Chapter 1249 of the
2 Statutes of 1978).

3 ~~(28)~~

4 (32) Pupil Health Screenings (CSM 4440; Chapter 1208 of the
5 Statutes of 1976; Chapter 373 of the Statutes of 1991; and Chapter
6 750 of the Statutes of 1992).

7 ~~(29)~~

8 (33) Pupil Promotion and Retention (98-TC-19; Chapter 100
9 of the Statutes of 1981; Chapter 1388 of the Statutes of 1982;
10 Chapter 498 of the Statutes of 1983; Chapter 1263 of the Statutes
11 of 1990; and Chapters 742 and 743 of the Statutes of 1998).

12 ~~(30)~~

13 (34) Pupil Safety Notices (02-TC-13; Chapter 498 of the Statutes
14 of 1983; Chapter 482 of the Statutes of 1984; Chapter 948 of the
15 Statutes of 1984; Chapter 196 of the Statutes of 1986; Chapter 332
16 of the Statutes of 1986; Chapter 445 of the Statutes of 1992;
17 Chapter 1317 of the Statutes of 1992; Chapter 589 of the Statutes
18 of 1993; Chapter 1172 of the Statutes of 1994; Chapter 1023 of
19 the Statutes of 1996; and Chapter 492 of the Statutes of 2000).

20 ~~(31)~~

21 (35) Pupil Expulsions (CSM 4455; Chapter 1253 of the Statutes
22 of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the
23 Statutes of 1978; Chapter 318 of the Statutes of 1982; Chapter 498
24 of the Statutes of 1983; Chapter 622 of the Statutes of 1984;
25 Chapter 942 of the Statutes of 1987; Chapter 1231 of the Statutes
26 of 1990; Chapter 152 of the Statutes of 1992; Chapters 1255, 1256,
27 and 1257 of the Statutes of 1993; and Chapter 146 of the Statutes
28 of 1994).

29 ~~(32)~~

30 (36) Pupil Expulsion Appeals (CSM 4463; Chapter 1253 of the
31 Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668
32 of the Statutes of 1978; and Chapter 498 of the Statutes of 1983).

33 ~~(33)~~

34 (37) Pupil Suspensions (CSM 4456; Chapter 965 of the Statutes
35 of 1977; Chapter 668 of the Statutes of 1978; Chapter 73 of the
36 Statutes of 1980; Chapter 498 of the Statutes of 1983; Chapter 856
37 of the Statutes of 1985; and Chapter 134 of the Statutes of 1987).

38 ~~(34)~~

39 (38) School Accountability Report Cards (97-TC-21, 00-TC-09,
40 00-TC-13, and 02-TC-32; Chapter 918 of the Statutes of 1997;

Chapter 912 of the Statutes of 1997; Chapter 824 of the Statutes of 1994; Chapter 1031 of the Statutes of 1993; Chapter 759 of the Statutes of 1992; and Chapter 1463 of the Statutes of 1989).

~~(35)~~

(39) School District Fiscal Accountability Reporting (97-TC-19; Chapter 100 of the Statutes of 1981; Chapter 185 of the Statutes of 1985; Chapter 1150 of the Statutes of 1986; Chapters 917 and 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the Statutes of 1988; Chapter 525 of the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of 1995).

~~(36)~~

(40) School District Reorganization (98-TC-24; Chapter 1192 of the Statutes of 1980; and Chapter 1186 of the Statutes of 1994).

(41) *Student Records* (02-TC-34; Chapter 593 of the Statutes of 1989).

~~(37)~~

(42) The Stull Act (98-TC-25; Chapter 498 of the Statutes of 1983; and Chapter 4 of the Statutes of 1999).

~~(38)~~

(43) Threats Against Peace Officers (CSM 96-365-02; Chapter 1249 of the Statutes of 1992; and Chapter 666 of the Statutes of 1995).

(e) The Superintendent of Public Instruction shall compile a list of all school districts, charter schools, and county offices of education that received block grant funding in the prior fiscal year pursuant to this section. This list shall include the total amount each school district, charter school, and county office of education received. The Superintendent of *Public Instruction* shall provide this information to the appropriate fiscal and policy committees of the Legislature, the Controller, the Department of Finance, and the Legislative Analyst Office on or before September 9 of each year.

SEC. 12. Item 6110-485 of Section 2.00 of the Budget Act of 2011 is amended to read:

6110-485—Reappropriation (Proposition 98), Department of Education. The sum of ~~\$6,824,000~~ \$17,159,000 is hereby

reappropriated from the Proposition 98 Reversion Account
for the following purposes:

0001—General Fund

(1) The sum of \$6,594,000 to the State Department of
Education for transfer by the Controller to Section A
of the State School Fund for allocation by the Superin-
tendent of Public Instruction for apportionment for
special education programs pursuant to Part 30 (com-
mencing with Section 56000) of Division 4 of Title 2
of the Education Code.

(2) The sum of \$230,000 to the State Department of Edu-
cation for transfer by the Controller to Section A of
the State School Fund for allocation by the Superinten-
dent of Public Instruction for the purpose of funding
California School Information Services administration
activities authorized pursuant to Schedule (2) of Item
6110-140-0001.

(3) *The sum of \$10,335,000 to the State Department of
Education for the transfer by the Controller to Section
A of the State School Fund for allocation by the Super-
intendent of Public Instruction to support special edu-
cation authorized pursuant to Schedule (1) of Item
6110-161-0001.*

*SEC. 13. Item 6110-488 of Section 2.00 of the Budget Act of
2011, as amended by Section 84 of Chapter 38 of the Statutes of
2012, is amended to read:*

6110-488—Reappropriation, Department of Education.
Notwithstanding any other provision of law, the balances
from the following items are available for reappropriation
for the purposes specified in Provisions 1 to 5, inclusive:
0001—General Fund

(1) \$24,000,000 of the unexpended balance of the amount
appropriated for child care programs in Schedules (1)
and (1.5) of Item 6110-196-0001 of the Budget Act
of 2010 (Ch. 712, Stats. 2010)

(2) \$6,900,000 or whatever greater or lesser amount of
the unexpended balance of the amount appropriated

- 1 for Economic Impact Aid in Item 6110-128-0001 of
2 the Budget Act of 2010 (Ch. 712, Stats. 2010)
- 3 (3) \$20,000,000 or whatever greater or lesser amount of
4 the unexpended balance of the amount appropriated
5 for special education in Schedule (1) of Item 6110-
6 161-0001 of the Budget Act of 2010 (Ch. 712, Stats.
7 2010)
- 8 (4) \$15,121,000 or whatever greater or lesser amount of
9 the unexpended balance of the amount appropriated
10 for the K-3 Class Size Reduction program in para-
11 graph (9) of subdivision (a) of Section 38 of Chapter
12 12 of the Statutes of 2009
- 13 (5) \$40,000,000 or whatever greater or lesser amount of
14 the unexpended balance of the amount appropriated
15 for the Quality Education Investment Act in the
16 2010-11 fiscal year pursuant to Section 52055.770 of
17 the Education Code
- 18 (7) \$9,000 or whatever greater or lesser amount reflects
19 the unexpended balance of the amount appropriated
20 for the English Language Learners Supplemental In-
21 structional Materials program in paragraph (10) of
22 subdivision (a) of Section 43 of Chapter 79 of the
23 Statutes of 2006
- 24 (8) \$6,000 or whatever greater or lesser amount reflects
25 the unexpended balance of the amount appropriated
26 for the Agricultural Career Technical Education Pro-
27 gram in Item 6110-167-0001 of the Budget Act of
28 2008 (Chs. 268 and 269, Stats. 2008)
- 29 (9) \$973,000 or whatever greater or lesser amount reflects
30 the unexpended balance of the amount appropriated
31 for the Class Size Reduction Program in Item 6110-
32 234-0001 of the Budget Act of 2008 (Chs. 268 and
33 269, Stats. 2008)
- 34 (10) \$422,000 or whatever greater or lesser amount repre-
35 sents the balance available from Schedule (1) of Item
36 6870-101-0001 of the Budget Act of 2006 (Chs. 47
37 and 48, Stats. 2006), as reappropriated in Item 6870-
38 492 of the Budget Act of 2008 (Chs. 268 and 269,
39 Stats. 2008)

- 1 (11) \$902,000 or whatever greater or lesser amount repre-
2 sents the balance available from Schedules (7), (8),
3 and (19) of Item 6870-101-0001 of the Budget Act of
4 2008 (Chs. 268 and 269, Stats. 2008)
- 5 (12) \$1,039,000 or whatever greater or lesser amount re-
6 flects the unexpended balance of the amount appropri-
7 ated for Special Education Instruction in Schedule (2)
8 of Item 6110-161-0001 of the Budget Act of 2009
9 (Ch. 1, 2009–10 3rd Ex. Sess., as revised by Ch. 1,
10 2009–10 4th Ex. Sess.)
- 11 (13) \$82,000 or whatever greater or lesser amount reflects
12 the unexpended balance of the amount appropriated
13 for Child Nutrition in Item 6110-651-0001, pursuant
14 to Section 5 of Chapter 3 of the 2009–10 Fourth Ex-
15 traordinary Session, as amended by Chapter 31 of the
16 2009–10 Third Extraordinary Session
- 17 (14) \$267,000 or whatever greater or lesser amount reflects
18 the unexpended balance of the amount appropriated
19 for the Supplemental School Counseling Program in
20 Item 6110-108-0001 of the Budget Act of 2010 (Ch.
21 712, Stats. 2010)
- 22 (15) \$15,000 or whatever greater or lesser amount reflects
23 the unexpended balance of the amount appropriated
24 for the Special Education Program in Schedule (2) of
25 Item 6110-161-0001 of the Budget Act of 2010 (Ch.
26 712, Stats. 2010)
- 27 (16) \$30,000 or whatever greater or lesser amount reflects
28 the unexpended balance of the amount appropriated
29 for the California Partnership Academies in Item
30 6110-166-0001 of the Budget Act of 2010 (Ch. 712,
31 Stats. 2010)
- 32 (17) \$418,000 or whatever greater or lesser amount reflects
33 the unexpended balance of the amount appropriated
34 for the California High School Exit Exam Supplemen-
35 tal Instruction program in Item 6110-204-0001 of the
36 Budget Act of 2010 (Ch. 712, Stats. 2010)
- 37 (18) \$369,000 or whatever greater or lesser amount reflects
38 the unexpended balance of the amount appropriated
39 for the Arts and Music Block Grant program in Item

- 1 6110-265-0001 of the Budget Act of 2010 (Ch. 712,
2 Stats. 2010)
- 3 (19) \$18,677,000 or whatever greater or lesser amount
4 represents the balance available from Schedules (1),
5 (7), (8), (9), and (19) of Item 6870-101-0001 of the
6 Budget Act of 2009 (Ch. 1, 2009–10 3rd Ex. Sess.,
7 as revised by Ch. 1, 2009–10 4th Ex. Sess.)
- 8 (20) \$33,000 or whatever greater or lesser amount reflects
9 the unexpended balance of the amount appropriated
10 for the Charter Schools Facilities Grant Program in
11 paragraph (11) of subdivision (a) of Section 43 of
12 Chapter 79 of the Statutes of 2006.
- 13 (21) \$413,000 or whatever greater or lesser amount reflects
14 the unexpended balance of the amount appropriated
15 for the Charter Schools Facilities Grant Program
16 pursuant to Section 47614.5 of the Education Code
17 (Ch. 215, Stats. 2007).
- 18 (22) \$18,000 or whatever greater or lesser amount reflects
19 the unexpended balance of the amount appropriated
20 for the California Partnership Academies in Item
21 6110–166–0001 of the Budget Act of 2008 (Chs. 268
22 and 269, Stats. 2008).
- 23 (23) \$201,000 or whatever greater or lesser amount reflects
24 the unexpended balance of the amount appropriated
25 for the Supplemental School Counseling Program in
26 Item 6110–108–0001 of the Budget Act of 2009 (Ch.
27 1, 2009–10 3rd Ex. Sess., as revised by Ch. 1,
28 2009–10 4th Ex. Sess.).
- 29 (24) \$14,058,000 or whatever greater or lesser amount re-
30 flects the unexpended balance of the amount appropri-
31 ated for Special Education Instruction in Schedule (1)
32 of Item 6110–161–0001 of the Budget Act of 2009
33 (Ch. 1, 2009–10 3rd Ex. Sess., as revised by Ch. 1,
34 2009–10 4th Ex. Sess.).
- 35 (25) \$1,003,000 or whatever greater or lesser amount re-
36 flects the unexpended balance of the amount appropri-
37 ated for the California Partnership Academies in Item
38 6110–166–0001 of the Budget Act of 2009 (Ch. 1,
39 2009–10 3rd Ex. Sess., as revised by Ch. 1, 2009–10
40 4th Ex. Sess.).

- 1 (26) \$1,334,000 or whatever greater or lesser amount re-
- 2 flects the unexpended balance of the amount appropri-
- 3 ated for the Charter School Economic Impact Aid
- 4 Program in Schedule (2) of Item 6110-211-0001 of
- 5 the Budget Act of 2009 (Ch. 1, 2009-10 3rd Ex. Sess.,
- 6 as revised by Ch. 1, 2009-10 4th Ex. Sess.).
- 7 (27) \$1,275,000 or whatever greater or lesser amount re-
- 8 flects the unexpended balance of the amount appropri-
- 9 ated for Special Education Instruction in Item
- 10 6110-650-0001 (pursuant to Sec. 5, Ch. 3, 2009-10
- 11 4th Ex. Sess., as revised by Ch. 31, 2009-10 3rd Ex.
- 12 Sess.).
- 13 (28) \$48,000 or whatever greater or lesser amount reflects
- 14 the unexpended balance of the amount appropriated
- 15 for the English Language Tutoring program in Item
- 16 6110-227-0001 of the Budget Act of 2010 (Ch. 712,
- 17 Stats. 2010).
- 18 (29) \$29,000 or whatever greater or lesser amount reflects
- 19 the unexpended balance of the amount appropriated
- 20 for the Physical Education Incentive Grants program
- 21 in Item 6110-260-0001 of the Budget Act of 2010
- 22 (Ch. 712, Stats. 2010).
- 23 (30) \$18,000 or whatever greater or lesser amount reflects
- 24 the unexpended balance of the amount appropriated
- 25 for the Certificated Staff Mentoring program in Item
- 26 6110-267-0001 of the Budget Act of 2010 (Ch. 712,
- 27 Stats. 2010).
- 28 (31) \$5,337,000 or whatever greater or lesser amount re-
- 29 flects the unexpended balance of the amount appropri-
- 30 ated for the After School Education and Safety pro-
- 31 gram in Item 6110-649-0001 in the 2008-09 fiscal
- 32 year, pursuant to Sections 8483.5 and 8483.51 of the
- 33 Education Code.
- 34 (32) \$713,000 or whatever greater or lesser amount of the
- 35 unexpended balance of the amount appropriated for
- 36 the special education instruction in Schedule (1) of
- 37 Item 6110-161-0001 of the Budget Act of 2009 (Ch.
- 38 1, 2009-10 3rd Ex. Sess., as revised by Ch. 1, 2009-
- 39 10 4th Ex. Sess.)

- 1 (33) \$56,717,000 or whatever greater or lesser amount of
2 the unexpended balance of the amount appropriated
3 for special education instruction in Schedule (1) of
4 Item 6110-161-0001 of the Budget Act of 2010 (Ch.
5 712, Stats. 2010)
- 6 (34) \$4,000,000 or whatever greater or lesser amount of
7 the unexpended balance of the amount appropriated
8 for the Child Nutrition Program in Schedule (1) of
9 Item 6110-203-0001 of the Budget Act of 2010 (Ch.
10 712, Stats. 2010)
- 11 (35) \$13,925,000 or whatever greater or lesser amount of
12 the unexpended balance of the amount appropriated
13 for child care programs in Schedules (1) and (1.5) of
14 Item 6110-196-0001 of the Budget Act of 2009 (Ch.
15 1, 2009-10 3rd Ex. Sess., as revised by Ch. 1, 2009-
16 10 4th Ex. Sess.)
- 17 (36) \$32,314,000 or whatever greater or lesser amount of
18 the unexpended balance of the amount appropriated
19 for Child Care Programs in Schedule (1.5) of Item
20 6110-196-0001 of the Budget Act of 2010 (Ch. 712,
21 Stats. 2010)
- 22 (37) \$11,663,000 or whatever greater or lesser amount re-
23 flects the unexpended balance of the amount appropri-
24 ated for the After School Education and Safety pro-
25 gram in Item 6110-649-0001 in the 2009-10 fiscal
26 year, pursuant to Sections 8483.5 and 8483.51 of the
27 Education Code.
- 28 (38) \$16,801,000 or whatever greater or lesser amount re-
29 flects the unexpended balance of the amount appropri-
30 ated for the After School Education and Safety pro-
31 gram in Item 6110-649-0001 in the 2010-11 fiscal
32 year, pursuant to Sections 8483.5 and 8483.51 of the
33 Education Code.
- 34 (39) \$45,000 or whatever greater or lesser amount of the
35 unexpended balance of the amount appropriated for
36 Categorical Programs for charter schools in Schedule
37 (1) of Item 6110-211-0001 of the Budget Act of 2009
38 (Ch. 1, 2009-10 3rd Ex. Sess., as revised by Ch. 1,
39 2009-10 4th Ex. Sess.)

- (40) \$5,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for English Language Development Assessment in Item 6110-651-0001 pursuant to Section 5 of Chapter 3 of the 2009-10 Fourth Extraordinary Session, as amended by Chapter 31 of the 2009-10 Third Extraordinary Session.
- (41) \$652,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for Economic Impact Aid in Item 6110-128-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (42) \$722,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for the Early Education Program for Individuals with Exceptional Needs in Schedule (2) of Item 6110-161-0001 of the Budget Act of 2010 (Ch. 712, Stats. 2010)
- (43) \$2,245,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for the Quality Education Investment Act in the 2010-11 fiscal year pursuant to Section 52055.770 of the Education Code.
- (44) \$70,000,000 or whatever greater or lesser amount of the unexpended balance of the amount appropriated for the Quality Education Investment Act in the 2011-12 fiscal year pursuant to Section 52055.770 of the Education Code.

Provisions:

2. The sum of \$5,303,000 is hereby reappropriated to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to support costs during the 2011–12 fiscal year associated with the Class Size Reduction Program operated pursuant to Chapter 6.10 (commencing with Section 52120) of Part 28 of Division 4 of Title 2 of the Education Code.
3. The sum of \$5,673,000 is hereby reappropriated to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction

to support California School Information Services administration activities authorized pursuant to Schedule (2) of Item 6110-140-0001.

4. The sum of \$142,021,000 is hereby reappropriated to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction for apportionment for special education programs pursuant to Part 30 (commencing with Section 56000) of Division 4 of Title 2 of the Education Code.
5. The sum of ~~\$220,137,000~~ \$209,802,000 is hereby reappropriated to the State Department of Education for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction for apportionment for special education programs pursuant to Part 30 (commencing with Section 56000) of Division 4 of Title 2 of the Education Code

SEC. 14. Item 6440-301-6048 is added to Section 2.00 of the Budget Act of 2012, to read:

6440-301-6048—*For capital outlay, University of California, payable from the 2006 University Capital Outlay Bond Fund 4,750,000*

Schedule:

Merced Campus

(1) 99.11.075-Classroom and Academic

Office Building—Preliminary plans and working drawings 4,750,000

Provisions:

1. *Identified savings in funds encumbered from this general obligation bond fund for construction contracts for capital outlay projects, remaining after completion of a capital outlay project and upon resolution of all change orders and claims, may be used prior to the appropriation reversion date: (a) to begin working drawings for a project for which preliminary plan funds have been appropriated and the plans have been approved by the State Public Works Board consistent*

with the scope and cost approved by the Legislature as adjusted for inflation only, (b) to proceed further with the underground tank corrections program, (c) to perform engineering evaluations on buildings that have been identified as potentially in need of seismic retrofitting, (d) to proceed with design and construction of projects to meet requirements under the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), or (e) to fund minor capital outlay projects.

2. The funds provided in this item shall be available for expenditure only if the University of California requires the payment of prevailing wage rates by the contractors and subcontractors on all projects in this item and on all other capital outlay projects undertaken by the University of California that are funded using nonstate funds or are otherwise not financed with the funds appropriated in this item. This requirement shall represent a moratorium on granting further exceptions to paying prevailing wage rates until June 30, 2013.

SEC. 15. The Legislature expects the University of California to enroll a total of 209,977 state-supported full-time equivalent students during the 2012–13 academic year. This enrollment target does not include nonresident students and students enrolled in nonstate supported summer programs. As a condition of receipt of funds pursuant to Item 6440-001-0001 of Section 2.00 of the Budget Act of 2012, the University of California shall report to the Legislature by May 1, 2013, on whether it has met the 2012–13 academic year enrollment goal.

SEC. 16. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act implements a federal law or regulation and results only in costs mandated by the federal government, within the meaning of Section 17556 of the Government Code.

SEC. 17. The sum of two hundred thirty thousand dollars (\$230,000) is hereby appropriated from federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) carryover funds to the State Department of Education to provide oversight of, and technical assistance and monitoring to, local educational

1 agencies regarding changes to the requirements related to the
2 identification and provision of behavior intervention services
3 included in this act. In providing technical assistance to local
4 educational agencies, the State Department of Education shall
5 incorporate the policy guidance disseminated by the Office of
6 Special Education Programs of the United States Department of
7 Education on functional behavioral assessments and positive
8 behavioral interventions and plans. As part of this effort, the State
9 Department of Education shall convene a stakeholder group made
10 up of legislative staff, representatives from the Department of
11 Finance, representatives from the Legislative Analyst's Office,
12 public and private program administrators, parents and advocates,
13 including parents and advocates of youth with disabilities, persons
14 with expertise in functional behavioral assessment and developing
15 and implementing positive behavioral interventions, institutions
16 of higher education, and professional organizations to discuss the
17 impact of changes to law and regulations, develop and disseminate
18 nonmandatory guidance, identify and recommend practices based
19 on peer-reviewed research, and identify model programs and
20 adjust data collection and monitoring activities.

21 SEC. 18. This act is a bill providing for appropriations related
22 to the Budget Bill within the meaning of subdivision (e) of Section
23 12 of Article IV of the California Constitution, has been identified
24 as related to the budget in the Budget Bill, and shall take effect
25 immediately.

26
27
28 **All matter omitted in this version of the bill**
29 **appears in the bill as amended in the**
30 **Senate, June 25, 2012. (JR11)**
31